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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

WEDNESDAY, OCTOBER 11, 2006

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TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Mr. Gary Petersen

Ms. Cheryl Peace

Ms. Pat Wiggins

BOARD MEMBER ALSO PRESENT

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Debbie Balluch, Executive Assistant

Mr. Elliot Block, Staff Counsel

Ms. Catherine Cardoza, Acting Branch Manager, Office of
Local Assistance

Ms. Kaoru Cruz, Staff

Ms. Judy Friedman, Branch Manager

Ms. Marshalle Graham, Staff

Mr. Primitivo Nunez, Staff

Mr. Kyle Pogue, Staff

Ms. Yasmin Satter, Staff

Ms. Jill Simmons, Staff

Mr. John Smith, Acting Deputy Director

Ms. Lorraine Van Kekerix, Acting Deputy Director

Ms. Shirley Willd-Wagner, Branch Manager, Electronic Waste
Recycling Branch

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Alan Abbs, Solid Waste Director, Tehama County

Ms. Louise Jeffrey, Recycling Coordinator, Humboldt County

Ms. Cedar Kehoe, City of Elk Grove

Ms. Carla Ralston, City of Rio Dell

Mr. Marty Strauss, Solid Waste Planning Superintendent,
City of Sacramento

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1 PROCEEDINGS

2 CHAIRPERSON PETERSEN: Good morning, everybody.

3 Welcome to the California Integrated Waste Management
4 Board Sustainability and Market Development Committee
5 meeting.

6 Once again as a courtesy, please put your cell
7 phones on the silent mode.

8 And, Deb, could you please call the roll?

9 EXECUTIVE ASSISTANT BALLUCH: Peace?

10 COMMITTEE MEMBER PEACE: Here.

11 EXECUTIVE ASSISTANT BALLUCH: Wiggins?
12 Petersen?

13 CHAIRPERSON PETERSEN: Here.

14 Member Wiggins should be here shortly.

15 Are there any members of the -- first of all, are
16 we up to date on ex partes?

17 COMMITTEE MEMBER PEACE: Yes. I'm up to date.

18 CHAIRPERSON PETERSEN: Me, too.

19 Is there anyone who wishes to address the
20 Committee on an item that is not on the agenda today?

21 Okay. Public comment. Cedar Kehoe, is that
22 right? Did I do that right?

23 MS. KEHOE: Cedar Kehoe.

24 CHAIRPERSON PETERSEN: Welcome.

25 MS. KEHOE: Thanks. Hi. I'm Cedar Kehoe. And I

1 am privileged to work for the City of Elk Grove.

2 And I understand the Integrated Waste Management
3 Board is in the process of a reorganization, and I'm here
4 to talk to you about some potential to be really effective
5 in that reorganization. My item's Number 11, but I think
6 I'm supposed to do this now. So what I want to talk about
7 is when we were doing our numbers for our jurisdiction,
8 one of the things that got identified was that we had a
9 problem with ADC and the proper usage of ADC at the
10 Forward, Inc., Landfill and how those tons were to be
11 allocated.

12 I met with my very competent rep from the Office
13 of Local Assistance. We then met with the Waste Analysis
14 Branch. In short, what we learned was we had part of the
15 pie, but we didn't have all of the pie, because there's
16 enforcement. There's ADC group. There's all these other
17 individuals. And we were missing part of the pie. When I
18 went through the circle to try to get a complete answer,
19 it was very, very difficult.

20 My suggestion to you is that you do three things.
21 I would like to ask that you try to figure out a way to do
22 a reorganization that works between divisions and between
23 departments so that information related to one
24 jurisdiction can actually get through that boundary that
25 seems to be there.

1 Secondly, I'd like to ask that you actually ask
2 your staff how do they think the communication could work
3 better.

4 And thirdly, I'd like to get an answer back about
5 ADC usage at the Forward, Inc., Landfill.

6 CHAIRPERSON PETERSEN: What was that last
7 comment?

8 MS. KEHOE: I'd like to get an answer back about
9 the proper usage of ADC at the Forward, Inc., Landfill and
10 particularly the correct allocation of who can get what
11 tons. Because we think there may be cross allocation
12 issues.

13 See, I can't look. I can only see my tons. I
14 can't look at other jurisdictional tons. Only you can do
15 that. So we'd like the big picture back if we can get
16 that.

17 CHAIRPERSON PETERSEN: Great. Thank you very
18 much.

19 Okay. There are speaker slips in the back. And
20 please fill that out and bring it up to Deb.

21 And let's see. I'm going to make an announcement
22 about the open collar policy for this Committee from now
23 on, with tie optional. And you can do what you want. But
24 that's what we're going to do. John, if you show up in a
25 tie next time, it's not going to work.

1 John, Committee report.

2 ACTING DEPUTY DIRECTOR SMITH: Yes. My Deputy
3 Director's report. And thanks for letting me go first.

4 Good morning, Chair Peterson and Committee Member
5 Peace. For the record, my name is John Smith. I'm the
6 Acting Deputy Director for Waste Prevention and Market
7 Development.

8 I have three items for you this morning: An
9 update on the Caltrans compost workshops; an update on the
10 Rule 4564 being promulgated by the San Joaquin Valley
11 Unified Air Pollution Control District which relates to
12 green waste; and the latest numbers on the E-Waste
13 Program.

14 For the Caltrans workshops, the last in the
15 series of the Caltrans compost workshops is being held
16 today at the Caltrans Office on 2800 Gateway Oaks in
17 Sacramento here from 8:45 to 3:15. This workshop follows
18 other successful workshops held in Los Angeles, San Diego,
19 Oakland, and Fresno. Those began in August.

20 These workshops titled, "Improving Vegetation
21 Establishment and Erosion Control with Compost-Based
22 Specifications" -- that title is too long -- are being
23 held by the Board in partnership with Caltrans
24 Headquarters Landscape Architecture Program to introduce
25 new specifications to district designers including

1 landscape architects, biologists, and storm water quality
2 coordinators.

3 In addition to rolling out a number of innovative
4 methods of improving vegetation establishment and erosion
5 control, these workshops have provided designers with an
6 opportunity to comment, suggest revisions, and ask
7 questions of a diverse team of experts regarding the new
8 Caltrans specs.

9 The workshop team not only includes staff from
10 our organics program but also includes university
11 professors, researchers, and soil scientists,
12 representatives of the California compost industry, and
13 landscape architects with an extensive compost experience
14 from other State transportation departments. Attendance
15 at today's workshop is expected to be approximately 90.
16 This is a high turnout and is consistent with the turnouts
17 of the other four workshops.

18 Staff estimates by the conclusion of this series
19 that the workshops will have reached over 250 people.

20 There will be several featured speakers including
21 a representative from Washington State Department of
22 Transportation to talk about their experience using
23 compost on roadside applications. If you have a few
24 minutes today, I would invite the Board members and
25 Committee members and others to stop by and experience a

1 few minutes of the workshop. There is no need to
2 register.

3 Upon conclusion of this project, staff will be
4 bringing an item to the Board with a recap on the project,
5 the workshops, and follow-up recommendations. Any
6 questions on those, on that item?

7 CHAIRPERSON PETERSEN: John, I do. I know we've
8 had all these workshops. How is it going with Caltrans
9 and getting the attitudes and where are they going with
10 this? Is everybody up for this?

11 ACTING DEPUTY DIRECTOR SMITH: They all seem very
12 interested and they all are asking a lot of questions.
13 And we would expect that this will help us role out those
14 new Caltrans specs for compost.

15 CHAIRPERSON PETERSEN: Those landscape
16 architects, they're employed by Caltrans?

17 ACTING DEPUTY DIRECTOR SMITH: Right.

18 CHAIRPERSON PETERSEN: So they've been through
19 the technical side of all this, and you'll explain it?

20 ACTING DEPUTY DIRECTOR SMITH: The target is the
21 Caltrans employees that will be using these specs.

22 CHAIRPERSON PETERSEN: Great. Thank you.

23 ACTING DEPUTY DIRECTOR SMITH: The second one
24 relates to the --

25 COMMITTEE MEMBER PEACE: John, I was going to ask

1 a quick question. If Caltrans just embraces this and
2 starts using compost for all their erosion control and
3 everything, is there enough compost out there?

4 ACTING DEPUTY DIRECTOR SMITH: Our plan is with
5 the specs that we can increase the amount of compost used
6 by Caltrans. I think right now it's like 400,000 cubic
7 yards per year. We're looking at a very huge potential
8 and to drive the market to produce more compost. So we're
9 looking at in the millions eventually use by Caltrans.

10 Any more questions?

11 CHAIRPERSON PETERSEN: Go ahead.

12 ACTING DEPUTY DIRECTOR SMITH: The second item
13 relates to Rule 4565 being promulgated by the San Joaquin
14 Valley Unified Air Pollution Control District. They
15 released their first draft of this rule. Those proposed
16 air regulations will relate to reducing volatile organic
17 compounds from composting and biosolid operations. This
18 rule will affect an eight-county area and over 15
19 composting facilities.

20 Public workshops on the draft rule were held
21 October 2nd, 4th, and 6th. The district for now has
22 exempted green waste composting facilities from their rule
23 for now based on the need to better define the green waste
24 composting industry's financial ability to respond to the
25 increased emission reduction technologies and the critical

1 role they play in assisting local jurisdictions needing
2 their disposal reduction mandates.

3 As you are already aware, the Board funded a
4 \$250,000 project with San Diego State University to
5 conduct field emission tests on green waste, food waste,
6 and develop best management practices. The purpose of
7 this contract is to provide additional information in
8 light of this rulemaking. Board staff has met with the
9 district staff and has reached agreement on a test
10 protocol for the field emission tests which are scheduled
11 to begin next week.

12 Staff will keep you informed on the progress we
13 are making on this project as it unfolds.

14 Questions on that?

15 CHAIRPERSON PETERSEN: John, is the intent on the
16 green waste for municipal programs is the intent or where
17 we're going to enclose these facilities?

18 ACTING DEPUTY DIRECTOR SMITH: Originally, they
19 were proposing to put strict standards similar to South
20 Coast which could include enclosing. What we're trying to
21 do through this study is to show that those operations
22 don't need -- for green waste and food waste don't need to
23 be -- at least green waste don't need to be enclosed and
24 that we can use best management practices to control the
25 VOCs.

1 CHAIRPERSON PETERSEN: And PM10s and everything
2 else?

3 ACTING DEPUTY DIRECTOR SMITH: And everything
4 else they're trying to reintroduce.

5 Turning to the e-waste update. The E-Waste
6 Program has reached a milestone. The volume of e-waste
7 collected, recycled, and submitted for payment in the
8 first seven months of 2006 exceeded the total volume of
9 material for all of 2005.

10 In 2005, program received payment claims for 64.8
11 million pounds of covered e-waste that were canceled in
12 California. So far for 2006, we have received claim for
13 65.5 million pounds. We anticipate this rapid growth to
14 stabilize as the collection and recycling infrastructure
15 matures. Still, it may be necessary to make adjustments
16 to the advanced recycling fee or the recovery and
17 recycling payment in the coming years.

18 Speaking of financial matters, as you recall, the
19 Board acted in June of this year to keep both the fee and
20 the payment rate unchanged. This was based on data
21 received from approved e-waste collectors and recyclers
22 concerning their net costs. By the way, annual net cost
23 reports are required by regulation every year, every
24 March, from e-waste recyclers.

25 The Board has contracted with Humboldt State

1 University and R.W. Beck to assist in the analysis of the
2 net cost reports with the aim at informing us about the
3 need to make adjustments to the fee and/or payment rates
4 from collections and recycling activities. As part of
5 their tasks, R.W. Beck is reviewing a statistically
6 representative sample of reports to verify that they are
7 complete and accurate. While most of the selected reports
8 will be reviewed for clarification and adjusted if needed
9 via phone, a small number of reports will be selected for
10 verification through an on-site review of supporting
11 documentation.

12 Based partially on the work of our contractor,
13 Program staff will refine the net cost reporting process
14 with an eye toward improving the quality of data captured
15 for the 2006 reports. Related to that, we will be
16 offering training on net cost report on the net cost
17 reporting process via a series of webinars in January of
18 2007 for the collectors and recyclers.

19 And that concludes my report. Any questions?

20 CHAIRPERSON PETERSEN: Thank you, John.

21 Cheryl.

22 COMMITTEE MEMBER PEACE: The annual in the cost
23 reports, weren't those kind of slow in coming in this
24 year? Did you finally get them all in?

25 ACTING DEPUTY DIRECTOR SMITH: I believe, yes.

1 Initially, they were slow coming in.

2 But can you give us some update?

3 BRANCH MANAGER WILLD-WAGNER: Good morning.

4 Shirley Willd-Wagner with the Electronic Waste Recycling
5 Program.

6 Yes, many of the net cost reports were slow in
7 coming in through several follow-up contacts between our
8 staff and the collectors and recyclers. We had a couple
9 of extended periods, and we received all but about 24,
10 about 24 collectors. All the recyclers submitted. About
11 24 collectors were eventually removed from our approved
12 collector list, because they did not submit the net cost
13 reports.

14 We think that most of those whose approval was
15 actually revoked were collectors that didn't anticipate
16 real actively, that thought they would, applied for
17 collector status originally and really kind of haven't
18 participated.

19 Also, you don't have to be an approved collector
20 to enter material into the system. Being an approved
21 collector guarantees you the 20 cents a pound minimum
22 payment from an approved recycler for all eligible
23 materials transferred. But an approved recycler can also
24 act as an approved collector and accept material from
25 handlers. Does that make sense? Detail --

1 CHAIRPERSON PETERSEN: I got it, but I have a
2 question. Do we turn around to outreach to some of those
3 fall guys to see if there's -- is it a technical thing or
4 is it just you're not interested?

5 BRANCH MANAGER WILLD-WAGNER: We have had contact
6 with virtually all of them a couple of times. As I said,
7 for the most part they're just not interested and are not
8 participating. A couple of them have appealed and we
9 granted their appeal. Those that were interested in
10 remaining in the program, they've appealed. They've
11 submitted the net cost reports, told us why. They gave us
12 the simple reason, and we were able to reinstate them.

13 CHAIRPERSON PETERSEN: Great.

14 COMMITTEE MEMBER PEACE: Shirley, with the
15 e-waste payments, are we finally getting caught up and
16 seeing the light of day?

17 BRANCH MANAGER WILLD-WAGNER: Loaded question.
18 The payment claims that are coming in from the recyclers
19 are growing just about exponentially. As John reported,
20 our volume is about the same as last time. So with the
21 retired annuitants and some of our resources, we're making
22 progress as far as what we're being able to pay, but the
23 time required is still significant. The average time it's
24 taking us to review a claim is still 45 to 47 days because
25 the volumes are so much greater. We're seeing some

1 payment claims of a million tons a month. We're getting a
2 lot of volume. So the days -- we're catching up, but I
3 don't know that we can really say that we're within the
4 time period, review period we'd like to get.

5 COMMITTEE MEMBER PEACE: So have we already hired
6 all the people that we can hire?

7 BRANCH MANAGER WILLD-WAGNER: No. We are
8 currently recruiting for five additional total positions:
9 Two more claim reviewers, the Associate Governmental
10 Program Analysts, AGPA; and three IWMSs to begin the fraud
11 detection and compliance assistance efforts. So we're
12 currently recruiting and hope to have folks on board
13 within the next month.

14 CHAIRPERSON PETERSEN: I want to interrupt one
15 second. I'd like to recognize Member Wiggins is here now.

16 Okay. The other question in the process of how
17 we're looking forward in the program, Shirley, are we --
18 because I know there's a ton of paperwork here that -- a
19 ton. Are we moving towards looking at some other kinds of
20 operations that are out there or streamlining this, we get
21 electronic on this and cutback on some of them?

22 BRANCH MANAGER WILLD-WAGNER: We are working
23 closely with the Department of Finance consultant auditor
24 who is looking at the procedures and protocols. And there
25 may come a time when perhaps participants who would be

1 required to maintain the documentation but not submit to
2 us on certain aspects or certain particular parts of the
3 payment plan. We're also meeting with the Department of
4 Conservation bottle and can folks this Friday to look
5 again at their systems, seeing if there's anything more --
6 especially their fraud prevention detention systems to see
7 if there's anything we can learn. Yes, as you probably
8 know, the Information Management Branch is rolling out
9 some new technologies in the data tracking system, and we
10 are on their list of folks that we could perhaps improve
11 some of our reporting.

12 CHAIRPERSON PETERSEN: You have a good process
13 here and Dennis will be great.

14 BRANCH MANAGER WILLD-WAGNER: He's who we're
15 meeting with on Friday.

16 CHAIRPERSON PETERSEN: Any other questions?

17 COMMITTEE MEMBER PEACE: No more questions. But
18 before we get started, I guess technically I should ex
19 parte Pat Schiavo because he isn't one of us anymore.

20 CHAIRPERSON PETERSEN: That's right. I forgot
21 too. We're ex parteing you.

22 Okay. John.

23 ACTING DEPUTY DIRECTOR SMITH: I'm finished.

24 CHAIRPERSON PETERSEN: Well, thank you, John.
25 Thank you, Shirley, very much. We're going to move on.

1 Lorraine, are you ready for the Deputy Director's
2 report?

3 ACTING DEPUTY DIRECTOR VAN KEKERIX: I think I'm
4 good. As ready as I'm going to be.

5 CHAIRPERSON PETERSEN: Here we go.

6 ACTING DEPUTY DIRECTOR VAN KEKERIX: I'm Lorraine
7 Van Kekerix, the Acting Deputy Director for the Diversion,
8 Planning, and Local Assistance Division, and I have a
9 number of things I'd like to tell you about today.

10 The first was the efforts to have a zero waste
11 lunch and do a lot of recycling at the Governor and First
12 Lady's Conference on Women and Families. The conference
13 was held on September the 26th at the Long Beach
14 Convention Center. And the Waste Board and the City of
15 Long Beach and the Convention Center staff worked to
16 increase diversion from large venues as required by law.

17 The City of Long Beach representatives, event
18 organizers, and venue administration coordinated their
19 efforts this year to a greater extent than they did before
20 to promote a zero waste event. The event included a
21 "great taste, no waste lunch" that was served using
22 compostable products. Residuals were then processed for
23 composting. More than 2.5 tons of lunch waste from the
24 event was processed for composting.

25 In addition to the lunch diversion program,

1 cardboard was recycled from the exhibitor and food prep
2 areas. And all waste that was not source separated or
3 composted was routed to a nearby waste-to-energy facility.

4 Perhaps the most encouraging outcome of the event
5 was the greater role that the venue took this year to
6 implement the diversion programs. This is a switch from
7 what happened last year where we relied heavily on
8 volunteers. The Board staff will be adding information
9 about this year's diversion efforts to the website on
10 large venues as soon as we get it pulled together and we
11 get some more information on how much additional waste was
12 recycled from the exhibit hall area.

13 And Steve Uselton of the Board's Long Beach
14 office was truly instrumental in making this project a
15 success, even to the point of phoning to make sure that
16 the drivers of the trucks that were to go to the
17 composting got out of Bradley Landfill when they entered
18 and got turned around and they actually made it to the
19 composting facilities. So without Steve's extra added
20 efforts, it might not have gotten composted.

21 CHAIRPERSON PETERSEN: So Steve was in charge?

22 ACTING DEPUTY DIRECTOR VAN KEKERIX: Well, he was
23 following up.

24 CHAIRPERSON PETERSEN: That's all right. I have
25 to explain to everybody here. There were 13,100 people at

1 this event: 13,000 women and 100 men. And what we were
2 told to do, we did. Meaning the guys. It was a great
3 event. It was fabulous. Thank you, Lorraine. Go ahead.

4 ACTING DEPUTY DIRECTOR VAN KEKERIX: I also
5 wanted to tell you a little bit about disposal reporting.
6 The second quarter of the 2006 Disposal Reporting System
7 reports will be due from counties and regional agencies on
8 October 15th. A number of them have contacted us to tell
9 us that they are still working on completing the necessary
10 computer system changes to incorporate the new reporting
11 requirements under the new DRS regs that just went into
12 effect in January. And they have told us that they will
13 be a little late in getting their reports in.

14 We are also following up with numerous facility
15 operators who are not reporting correctly to the counties
16 and regional agencies. And some of those may also have
17 some computer system changes pending. We expect that by
18 the end of the year this will be pretty much resolved.
19 But as with any new system, it takes a while to get all
20 the pieces in place and make sure everyone's reporting
21 correctly.

22 Also under Disposal Reporting System information,
23 survey week for the third quarter was the 8th through the
24 14th of September. And DPLA staff visited 53 facilities
25 with trucks full of waste to make sure that each facility

1 asked the driver where the waste was from. And the number
2 of tons that gets charged to each jurisdiction is critical
3 in determining that diversion rate. There was only a
4 single facility that did not ask for the origin of waste,
5 and this is the second consecutive visit where this
6 facility did not ask.

7 Under the new regulations, if a facility does not
8 ask for three successive visits by Board staff, the staff
9 will inform the Board at an open public meeting, place the
10 name of the non-compliant facility on the list that's
11 posted on the website, and the Board may take additional
12 actions it deems appropriate.

13 There's a web page called Failure to Comply with
14 Disposal Reporting System Requirements that lists the one
15 or two other facilities that have had issues in the past,
16 if you want to take a look at that and see what the
17 website looks at. If this particular facility does not
18 ask for origin information on the next staff site visit,
19 we will be bringing an agenda item to this Committee for
20 Board consideration.

21 CHAIRPERSON PETERSEN: Lorraine, is it that
22 they're just not paying attention?

23 ACTING DEPUTY DIRECTOR VAN KEKERIX: I'm not
24 certain. I know that staff has been in contact with them
25 outside of the site visit itself, and we will just have to

1 see.

2 CHAIRPERSON PETERSEN: By the way, I want to back
3 up for a second. I want to thank all the staff for the
4 conference and all you guys did to make that happen. It
5 was a yomen's job, and it was huge. And it was amazing
6 how that whole place ran and what happened. You guys were
7 great. Thank you.

8 ACTING DEPUTY DIRECTOR VAN KEKERIX: Thank you.

9 The electronic annual report is the vehicle that
10 the Board gets information on how jurisdictions are doing.
11 The jurisdictions have all been sent a notification letter
12 with their password in mid-September. So the
13 jurisdictions should be able to go online and fill out
14 what diversion programs they are implementing and updating
15 their planning document sections.

16 In addition, the 2005 disposal reporting data has
17 now been posted on the website so that jurisdictions can
18 start looking at whether they believe that the Disposal
19 Reporting System numbers have some errors and they have
20 sufficient time to investigate prior to having to submit
21 their diversion rate.

22 For those jurisdictions that calculate the
23 diversion rate, we have to wait until we get release of
24 2005 taxable sales data by the State Board of
25 Equalization. And typically, that has happened in early

1 December. Once all the jurisdiction adjustment factors
2 are available, we will update the diversion rate
3 calculator and notify the jurisdictions about the
4 availability of the diversion rate calculator and the
5 final filing date for the year.

6 There is one new section in the EER this year,
7 and that is a section required by AB 2176 by Montaez. It
8 requires the jurisdictions to report on waste diversion
9 activities at large venues and events within each
10 jurisdiction. So that's new this year, and we'll be
11 starting to get some more information on that.

12 We held two multi-family recycling workshops:
13 The first one here at the Cal/EPA headquarters on
14 September 13th and the second in southern California in
15 Diamond Bar on September the 28th. This is an area that a
16 lot of jurisdictions haven't focused on because it
17 actually can be difficult to tackle.

18 Both of these workshops were well attended by
19 recycling coordinators and industry service providers.
20 And the total attendance for the two workshops was about
21 150. There was a great deal of question and answer type
22 dialogue between the presenters and the audience. And the
23 presentations from the local government coordinators that
24 have successful multi-family programs will be added to the
25 Board's web page on multi-family diversion programs so

1 people who were unable to attend have access to some great
2 information.

3 And the final item that I have is State agency
4 reporting. Board staff have received annual reports from
5 about 95 percent of the State agencies for the year 2005.
6 We are working diligently with the agencies and facilities
7 that have reports outstanding to obtain 100 percent
8 reporting compliance.

9 In addition, we have been sending information up
10 to Mark Leary and the Board members on State agencies that
11 are over 50 percent. And we have a large number. And we
12 are currently scheduled to bring an agenda item to the
13 Board in December regarding any agencies or facilities
14 that are not in compliance.

15 And that concludes my report.

16 CHAIRPERSON PETERSEN: That's great, Lorraine.

17 Any questions?

18 COMMITTEE MEMBER PEACE: I have one question.

19 When you were talking about the failure of a facility to
20 ask the origin of the waste and you say if they don't do
21 it three times -- after the first or second time, do you
22 notify them and say this didn't happen and you need to
23 start doing this?

24 ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes. The
25 procedure is that if we visit a facility that's having

1 problems and doesn't ask, staff tries to talk with them on
2 the spot, see if the manager is around and talk with a
3 manager. And then they are sent a written letter. And
4 the same procedure is followed after the second one and
5 it's noted that if you don't ask the third time that it
6 will mean coming to the Board. So staff does try to speak
7 with them right on the spot right after they haven't asked
8 as well as sending them an official letter.

9 COMMITTEE MEMBER PEACE: When you say you bring
10 an item to the Board, is it for action? I mean --

11 ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes, we get
12 direction from the Board on what they want us to do. The
13 regulations now say that they will be posted on the
14 website. But the Board may choose to take some additional
15 measures as well as they deem appropriate.

16 CHAIRPERSON PETERSEN: Go ahead, Pat.

17 COMMITTEE MEMBER WIGGINS: Well, I had talked
18 about publishing the names of the agencies that were out
19 of compliance and just for two years. So is that going to
20 happen? Because I'm not going to be here in December.

21 ACTING DEPUTY DIRECTOR VAN KEKERIX: That's the
22 State agencies. And we have found that there weren't
23 people who were out of compliance in both years.

24 COMMITTEE MEMBER WIGGINS: We're not? What about
25 the one that was like 25 percent?

1 CHAIRPERSON PETERSEN: The museum in Los Angeles.

2 Well, they did a full on giddy-up and started adding up
3 all the things around. We went down to see them, and I
4 toured the facility. And they weren't counting things
5 they were supposed to count. And they just didn't have it
6 all together. They have got it together now.

7 COMMITTEE MEMBER WIGGINS: So no agency has been
8 out of compliance for two years in a row?

9 ACTING DEPUTY DIRECTOR VAN KEKERIX: That's my
10 understanding. But I'll check with staff to make sure.

11 COMMITTEE MEMBER WIGGINS: But if they are, I
12 hope we publish this in the paper.

13 ACTING DEPUTY DIRECTOR VAN KEKERIX: I think we
14 were to come back to the Board.

15 COMMITTEE MEMBER WIGGINS: Yeah. Okay.

16 CHAIRPERSON PETERSEN: Lorraine, I want to ask
17 you a question about the multi-family workshops. In the
18 presenters who have programs, did they give you any idea
19 of recovery rates on the multi-family programs that they
20 have running and how much they were diverting? Were there
21 any numbers given out?

22 ACTING DEPUTY DIRECTOR VAN KEKERIX: There were
23 some numbers, but I'll have to tell you I don't remember
24 that. I can get that information out to you. I know for
25 some of them they have about the same recovery as they had

1 for their residential, single family residential programs.

2 CHAIRPERSON PETERSEN: There are some city's
3 jurisdictions that are really doing a great job on
4 multi-family and others who haven't addressed it. I think
5 there are three major cities that haven't.

6 Did anybody come up with an idea on collection?
7 Did anybody offer up any new approach? Was there anything
8 said about, you know, dirty MRfing this material? Or did
9 they talk about that at all?

10 ACTING DEPUTY DIRECTOR VAN KEKERIX: There were
11 some discussions. And some people found that the dirty
12 MRfing didn't work as well and other people had success
13 with it. So there was really a mix.

14 CHAIRPERSON PETERSEN: It's all over the place.

15 ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes.

16 CHAIRPERSON PETERSEN: So we're still learning.

17 ACTING DEPUTY DIRECTOR VAN KEKERIX: We're still
18 learning.

19 COMMITTEE MEMBER PEACE: Do jurisdictions have to
20 report their multi-family, what they do in terms of
21 multi-family recycling?

22 ACTING DEPUTY DIRECTOR VAN KEKERIX: They would
23 report that as one of the programs in the electronic
24 annual report.

25 COMMITTEE MEMBER PEACE: What was the Montaez

1 bill? What does that require?

2 ACTING DEPUTY DIRECTOR VAN KEKERIX: That's the
3 bill that requires the jurisdictions report about
4 diversion occurring at large venues and events.

5 COMMITTEE MEMBER PEACE: That was the one this
6 year. There was a bill this year that passed that got
7 vetoes. What was that going to do in terms of --

8 ACTING DEPUTY DIRECTOR VAN KEKERIX: That bill
9 had very specific requirements for multi-family recycling.
10 And a number of jurisdictions have successful programs
11 that operate differently than were in that bill. So there
12 are many ways of going about getting multi-family
13 recycling.

14 COMMITTEE MEMBER PEACE: But most jurisdictions
15 already do report on what they're doing?

16 ACTING DEPUTY DIRECTOR VAN KEKERIX: They do
17 report on what they're doing, yes.

18 COMMITTEE MEMBER PEACE: Thank you.

19 CHAIRPERSON PETERSEN: Any other questions?

20 I guess we'll go to B, Board Item 1.

21 ACTING DEPUTY DIRECTOR VAN KEKERIX: Committee
22 Item B is Consideration of a Request to Change the Base
23 Year to 2003 for the Previously-Approved Source Reduction
24 and Recycling Element and Consideration of the Petition
25 for Sludge Diversion Credit for the City of Ontario, San

1 Bernardino County. And Marshalle Graham will be making
2 the presentation.

3 MS. GRAHAM: Good morning, Committee members.

4 The City of Ontario has requested to change its
5 base year to 2003. The City originally submitted a new
6 base year change request with a diversion rate of 60
7 percent. As a result of staff verification and findings,
8 staff is recommending that some of the claimed tonnage be
9 modified to ensure accuracy and representativeness.

10 The recommended changes to the base year data
11 will adjust the accepted base year diversion tonnage and
12 reduce the diversion rate to 58 percent. As a part of its
13 new base year request, the City also submitted a petition
14 for sludge diversion credit documenting that the sludge
15 diversion program has been adequately analyzed, that the
16 materials reused do not pose a threat to public health or
17 the environment. This program represents approximately 4
18 percent of the staff-recommended new base year diversion
19 rate.

20 Additionally, the City has submitted the
21 necessary documentation for claiming biomass diversion
22 credit in 2003, which would increase the City's 2003
23 diversion rate from 58 to 59 percent. Board staff has
24 determined that the information for the City's new base
25 year is adequately documented and that it meets the

1 conditions for claiming slude and biomass diversion credit
2 and is therefore recommending Option 2 of the agenda item.

3 Present to answer any questions and representing
4 the City of Ontario is Bob Figoni and Deborah Allen.

5 This concludes my presentation.

6 CHAIRPERSON PETERSEN: Great. Thank you. Any
7 questions?

8 Better recognize Member Mulé. Hi.

9 BOARD MEMBER MULÉ: Good morning.

10 CHAIRPERSON PETERSEN: Thanks for coming.

11 Any questions?

12 COMMITTEE MEMBER PEACE: I don't have any
13 questions. But if the Board adopts the new Governor's
14 policies next week, the base year studies such as this I
15 believe will be delegated from now on to the Executive
16 Director; is that correct? Yeah. So this might be the
17 last one these that we hear the report.

18 CHAIRPERSON PETERSEN: Is that right, Elliot?

19 STAFF COUNSEL: As currently written for
20 consideration next week, we would be delegating approval
21 of new base years and waste generation studies that are
22 not controversial. So in other words, if there were a
23 disagreement with the jurisdiction over how the numbers
24 were being counted, those would still come to you. But
25 where everybody's in agreement as to the analysis and

1 what's being done, those would be delegated.

2 CHAIRPERSON PETERSEN: Thank you, Elliot.

3 COMMITTEE MEMBER PEACE: With that, I'd like to
4 move Resolution 2006-171.

5 CHAIRPERSON PETERSEN: Do I hear a second?

6 COMMITTEE MEMBER WIGGINS: Second.

7 CHAIRPERSON PETERSEN: Deb.

8 EXECUTIVE ASSISTANT BALLUCH: Peace?

9 COMMITTEE MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

11 COMMITTEE MEMBER WIGGINS: Aye.

12 EXECUTIVE ASSISTANT BALLUCH: Petersen?

13 CHAIRPERSON PETERSEN: Aye.

14 We're going to move this to consent.

15 And move on to C.

16 ACTING DEPUTY DIRECTOR VAN KEKERIX: Agenda Item
17 C is Consideration of the Five-Year Review Report of the
18 Countywide Integrated Waste Management Plan for the
19 Unincorporated Area of Humboldt County. And Jill Simmons
20 will make the presentation.

21 MS. SIMMONS: Good morning, Committee members.

22 Every county and regional agency --

23 CHAIRPERSON PETERSEN: You need to turn your mike
24 on, please.

25 MS. SIMMONS: Every county and regional agency is

1 required to review its Countywide or Regional Agency
2 Integrated Waste Management Plan every five years after
3 the plan was first approved by the Board to determine if
4 any revisions of the planning elements that make up the
5 plan are necessary.

6 Humboldt County completed its first five-year
7 review of its County Integrated Waste Management Plan and
8 submitted the required report to the Board for review.
9 The County has determined that a revision to the plan is
10 not necessary at this time.

11 Board staff has evaluated the County's review
12 report and determined the required elements have been
13 addressed. Therefore, it is staff's recommendation that
14 the Board approve Humboldt County's findings that a
15 revision is not necessary at this time. Louise Jeffrey
16 from the County is present to answer any questions.

17 This concludes my presentation. Thank you.

18 CHAIRPERSON PETERSEN: Questions?

19 COMMITTEE MEMBER WIGGINS: I would like to move
20 this item. I will move adoption of Resolution 2006-170.

21 CHAIRPERSON PETERSEN: Do I hear a second?

22 COMMITTEE MEMBER PEACE: Are we on 170? I have
23 169. Am I on the right one?

24 CHAIRPERSON PETERSEN: It's 169.

25 COMMITTEE MEMBER WIGGINS: I'm sorry. I correct

1 that to move adoption of Resolution 2006-169.

2 CHAIRPERSON PETERSEN: Second?

3 COMMITTEE MEMBER PEACE: Second.

4 CHAIRPERSON PETERSEN: Deb.

5 EXECUTIVE ASSISTANT BALLUCH: Peace?

6 COMMITTEE MEMBER PEACE: Aye.

7 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

8 COMMITTEE MEMBER WIGGINS: Aye.

9 EXECUTIVE ASSISTANT BALLUCH: Petersen?

10 CHAIRPERSON PETERSEN: Aye.

11 COMMITTEE MEMBER PEACE: I believe this is

12 another one of those things they're in the Governor's

13 policies, if the Board adopts the Governor's policies next

14 week that the five-years reviews will also be delegated to

15 the Executive Director.

16 STAFF COUNSEL BLOCK: That is correct.

17 CHAIRPERSON PETERSEN: Now I have one question.

18 Okay. So we ship -- it has nothing to do with this item.

19 But it's a flag. Maybe, Elliot, you can help us with

20 this. Not now, but later.

21 I'm very interested to find out shipping. If

22 we're taking this material and shipping it to out of

23 state, to an out-of-state landfill, how do we -- we don't

24 receive the fees off that for the funding of AB 939; is

25 that correct?

1 STAFF COUNSEL BLOCK: That is correct.

2 CHAIRPERSON PETERSEN: And there's probably not a
3 whole lot of this going on in the state; right? Do we
4 know that?

5 STAFF COUNSEL BLOCK: Off the top of my head, I
6 don't know what the numbers are at this point. It's gone
7 up and down over the last ten years. I'm sure that's
8 information we could get you at some future point.

9 CHAIRPERSON PETERSEN: I would really like to
10 chat about that and see how that is, what kind of tonnage
11 we're talking about. That would be great. Thank you.

12 We're going to move that to consent.

13 COMMITTEE MEMBER WIGGINS: I'd just have a
14 problem with the fact that -- I mean, at Potrero Hills,
15 they're taking waste from various regions, not in Solano
16 County. But they close down landfills. Like the Water
17 Board closed down the Sonoma landfill. It could have been
18 fixed. But out of site, out of mind as far as waste. I
19 think it is so wrong for communities to ship their waste
20 to another state. And you know, I just think we need to
21 find a resolution or a solution to this problem so that
22 people are responsible for their own waste in their own
23 community.

24 CHAIRPERSON PETERSEN: Well said, Pat. We need
25 to do that not now, but we'd definitely like to dig into

1 that a little bit. Okay.

2 COMMITTEE MEMBER PEACE: And we do, because if
3 there's jurisdictions like Sacramento City or County, one
4 of those are shipping quite a bit of their waste out of
5 the state. They don't pay a fee. So we don't get the
6 fee. But they still apply for all our grants and loans
7 and all our programs. So that is something I think we
8 really do need to look at.

9 CHAIRPERSON PETERSEN: Okay. Item D, Lorraine.

10 ACTING DEPUTY DIRECTOR VAN KEKERIX: Item D is
11 Consideration of the Five-Year Review Report of the
12 Regional Agency Integrated Waste Management Plan for the
13 Merced County Solid Waste Regional Agency.

14 And Jill Simmons will make the presentation on
15 this.

16 MS. SIMMONS: Good morning, once again, Committee
17 members.

18 The Merced County Solid Waste Regional Agency
19 completed its second five-year review of its Regional
20 Agency Integrated Waste Management Plan and submitted the
21 required report to the Board for review. The regional
22 agency has determined that a revision to the plan is not
23 necessary at this time.

24 Board staff has evaluated the agency's reviewed
25 report and determined the required elements have been

1 addressed. Therefore, it is staff's recommendation that
2 the Board approve the Merced County Solid Waste Regional
3 Agency's findings that a revision is not necessary at this
4 time.

5 Thank you. This concludes my presentation. And
6 are there any questions?

7 COMMITTEE MEMBER PEACE: I guess I have a
8 question, because in the last item it talked about
9 Humboldt Waste Management Authority and it formed a JPA.
10 I was just wondering what is different with a JPA than a
11 regional agency?

12 MS. SIMMONS: They haven't gone through the
13 formal process of becoming a regional agency. There's
14 many similarities where they work together collaboratively
15 on different efforts. But they haven't gone through the
16 process coming before the Board to form a regional agency.

17 STAFF COUNSEL BLOCK: Let me go ahead and add
18 onto that. Basically, you can have a JPA that's not a
19 regional agency. In order to be a regional agency, you
20 have to be a JPA. There are JPAs that have existed long
21 before AB 939. Primarily focused on operating landfills
22 or the solid waste system. The regional agency under our
23 statute is specific where jurisdictions are agreeing to
24 work together and share diversion, share how they're going
25 to be reviewed in complying with the Act to us. So in the

1 context of Humboldt JPA, they're not a regional agency.
2 That JPA runs their system, but those jurisdictions are
3 still evaluated individually.

4 COMMITTEE MEMBER PEACE: Thank you.

5 CHAIRPERSON PETERSEN: Any other questions?

6 Do I hear a motion?

7 COMMITTEE MEMBER PEACE: I'd like to move
8 Resolution 2006-170.

9 COMMITTEE MEMBER WIGGINS: Second.

10 CHAIRPERSON PETERSEN: Deb.

11 EXECUTIVE ASSISTANT BALLUCH: Peace?

12 COMMITTEE MEMBER PEACE: Aye.

13 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

14 COMMITTEE MEMBER WIGGINS: Aye.

15 EXECUTIVE ASSISTANT BALLUCH: Petersen?

16 CHAIRPERSON PETERSEN: Aye.

17 Okay. E.

18 ACTING DEPUTY DIRECTOR VAN KEKERIX: Item E is
19 Consideration of the Amended Nondisposal Facility Element
20 for the City of Los Angeles in Los Angeles County. And
21 Primitivo Nunez will make the presentation.

22 MR. NUNEZ: Good morning, Committee members.

23 The City of Los Angeles has amended its
24 nondisposal facility element by identifying and describing
25 two existing nondisposal facilities. The City has

1 identified the bin Rental and Canyon Disposal, which is a
2 construction/demolition transfer/processing sorting
3 facility. The City has also identified the North Hills
4 Recycling Facility which is a chipping, grinding, and
5 composting facility. Both of those facilities are now
6 required to obtain permits under the Board's new tiered
7 permitting regulations. Each of the facility operators
8 plan to apply for a registration permit from the LEA.

9 This concludes my presentation. Thank you.

10 CHAIRPERSON PETERSEN: Questions?

11 Do I hear a motion?

12 COMMITTEE MEMBER PEACE: Again, this is another
13 one of those things if the Board approves the Governor's
14 policies next week that this will be another one of those
15 things that is delegated to the Executive Director.

16 With that, I will move Resolution 2006-172.

17 COMMITTEE MEMBER WIGGINS: Second.

18 EXECUTIVE ASSISTANT BALLUCH: Peace?

19 COMMITTEE MEMBER PEACE: Aye.

20 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

21 COMMITTEE MEMBER WIGGINS: Aye.

22 EXECUTIVE ASSISTANT BALLUCH: Petersen?

23 CHAIRPERSON PETERSEN: Aye.

24 I would like to make sure that the last item and
25 this item get moved to consent, please.

1 Okay. We are on the F.

2 ACTING DEPUTY DIRECTOR VAN KEKERIX: Item F is
3 Consideration of the Amended Nondisposal Facility Element
4 for the City of Santa Fe Springs, Los Angeles County. And
5 Primitive Nunez will make this presentation as well.

6 MR. NUNEZ: The City of Santa Fe Springs has
7 amended its nondisposal facility element by describing two
8 existing facilities: The Norwalk Industries Transfer
9 Station and the Norwalk Industries Green Waste Processing
10 Facility.

11 These facilities currently operate under separate
12 permits as described in the agenda item. The operator of
13 these facilities, Norwalk Industries, plans to apply for a
14 registration permit for each of the facilities from the
15 LEA.

16 And this concludes my presentation. Thank you.

17 CHAIRPERSON PETERSEN: Any questions?

18 COMMITTEE MEMBER PEACE: I'd like to move
19 Resolution Number 2006-181.

20 COMMITTEE MEMBER WIGGINS: Second.

21 EXECUTIVE ASSISTANT BALLUCH: Peace?

22 COMMITTEE MEMBER PEACE: Aye.

23 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

24 COMMITTEE MEMBER WIGGINS: Aye.

25 EXECUTIVE ASSISTANT BALLUCH: Petersen?

1 CHAIRPERSON PETERSEN: Aye.

2 Item G.

3 Consent.

4 ACTING DEPUTY DIRECTOR VAN KEKERIX: Item G is a
5 Discussion of Requirements to Consider in Making a
6 Determination of Good Faith Effort for a Jurisdiction's
7 Biennial Review.

8 We'll be having some good faith effort
9 recommendations, and we wanted to have this discussion
10 item prior to those so that the Board could have the
11 discussion without considering the items at the same time.

12 And Catherine Cardoza will make this
13 presentation.

14 (Thereupon an overhead presentation was
15 presented as follows.)

16 ACTING BRANCH MANAGER CARDOZA: Good morning,
17 Committee members.

18 Before we present the five biennial review agenda
19 items we have for you this month, I'd first like to
20 discuss the concept of good faith effort as it relates to
21 determining compliance.

22 --o0o--

23 ACTING BRANCH MANAGER CARDOZA: The Integrated
24 Waste Management Act of 1989 required each city and county
25 for a jurisdiction to implement plans to divert 25 percent

1 of their waste streams by 1995 and 50 percent by 2000.

2 --o0o--

3 ACTING BRANCH MANAGER CARDOZA: The jurisdictions
4 were also required to first develop those plans by
5 selecting which programs they would implement and by when,
6 et cetera.

7 --o0o--

8 ACTING BRANCH MANAGER CARDOZA: Similarly, each
9 jurisdiction was also required to develop a household
10 hazardous waste element, or a HHWE, that identified those
11 programs they had selected to implement to ensure the
12 proper management and handling of household hazardous
13 waste to keep those materials out of the landfill.

14 --o0o--

15 ACTING BRANCH MANAGER CARDOZA: AB 939 also
16 required jurisdictions to annually report to the Board
17 their progress in implementing those plans, and it
18 required the Board to evaluate at least once every
19 two years the adequacy of each jurisdiction's progress
20 with program implementation. That evaluation or biennial
21 review also includes evaluating each jurisdiction's
22 progress in achieving and maintaining the numerical
23 diversion requirement of the Act.

24 --o0o--

25 ACTING BRANCH MANAGER CARDOZA: What types of

1 questions does the Board consider as part of a biennial
2 review? Some of the key questions are, did the
3 jurisdiction implement the programs selected in its SRRE?
4 If not, why not? And did they implement any alternative
5 programs instead or in addition to those selected because
6 of any changes in the jurisdiction's waste streams since
7 the SRRE was adopted? And what is the jurisdiction's
8 diversion rate? And how has it changed from previous
9 years? And lastly, does its current rate appear to be
10 supported by the programs the jurisdiction is
11 implementing?

12 --o0o--

13 ACTING BRANCH MANAGER CARDOZA: In addition to
14 periodic site visits for the jurisdiction, Board staff
15 also analyzes various types of documentation during the
16 biennial review. This may include some combination of a
17 jurisdiction's SRRE and HHWE and annual reports, disposal
18 reporting information usually from the Board's Disposal
19 Reporting System, and any previous time extension
20 petitions or a Board-approved reduced diversion
21 requirement, previous related agenda items, for example, a
22 Board-approved new base year or any sludge diversion
23 petitions, any related correspondence with the Board, and
24 any additional information the jurisdiction may have
25 submitted to document its program implementation efforts

1 or related to its diversion claim, such as a biomass
2 diversion or a disaster waste reduction claim.

3 --o0o--

4 ACTING BRANCH MANAGER CARDOZA: As specified in
5 statute, compliance with the Act requires jurisdictions to
6 implement the diversion programs they selected in their
7 SRRE or alternative programs when necessary as well as
8 meeting the diversion goal. It is important to understand
9 that just meeting the diversion goal alone does not
10 indicate compliance with the Act. Diversion rates must be
11 supported by program implementation and again those
12 selected in the SRRE and/or alternative programs as noted
13 in their annual report.

14 --o0o--

15 ACTING BRANCH MANAGER CARDOZA: Core to
16 determining whether a jurisdiction has adequately
17 implemented its SRRE to achieve the diversion goals of the
18 Act is determining its good faith effort to implement
19 diversion programs. Statute defines a showing of good
20 faith effort as when a city, county, or regional agency
21 has made all reasonable and feasible efforts to implement
22 those programs or activities identified in its SRRE or
23 HHWE or alternative programs or activities that achieve
24 the same or similar results.

25 A jurisdiction will be required to demonstrate to

1 the Board its good faith efforts, and the Board will
2 determine the adequacy of that effort as described by the
3 city, county, or regional agency.

4 There is a further definition of good faith
5 effort in statute where a jurisdiction is exploring
6 improved technology for managing its waste, but no
7 jurisdiction has attempted to use this for establishing
8 its good faith effort to implement diversion programs to
9 date.

10 --o0o--

11 ACTING BRANCH MANAGER CARDOZA: Statute also
12 specifies certain factors the Board must take into
13 consideration when determining the jurisdiction's good
14 faith effort to meet the requirements of the Act when the
15 jurisdiction's diversion rate is below 50 percent. These
16 are natural disasters declared within the jurisdiction,
17 budgetary conditions within the jurisdiction that could
18 not be remedied by adding or modifying solid waste fees,
19 and work stoppages that directly prevent a jurisdiction
20 from its SRRE.

21 --o0o--

22 COMMITTEE MEMBER PEACE: When it says natural
23 disasters, that still means they have to make a good faith
24 effort to divert as much as they can?

25 ACTING BRANCH MANAGER CARDOZA: Yes. That's just

1 asking to consider as a possible challenge to having reach
2 the goal.

3 CHAIRPERSON PETERSEN: I'm sorry. I'm going to
4 interrupt. You did say that none of the jurisdictions
5 have looked at other programs to add on to get them above
6 let's say below the 50 percent and --

7 ACTING BRANCH MANAGER CARDOZA: No. I was
8 referring to that definition, the other definition about
9 improved technology. No jurisdiction has attempted to
10 show a good faith effort based on that part of statute.

11 CHAIRPERSON PETERSEN: So we haven't seen that
12 yet?

13 ACTING BRANCH MANAGER CARDOZA: Correct.

14 COMMITTEE MEMBER WIGGINS: Could you go back a
15 slide?

16 ACTING BRANCH MANAGER CARDOZA: This one?

17 COMMITTEE MEMBER WIGGINS: Thank you.

18 ACTING BRANCH MANAGER CARDOZA: In addition to
19 allowing time extensions to meet the 50 percent diversion
20 goal through December of 2005, SB 1066 also added
21 additional criteria for the Board to consider when
22 determining a jurisdiction's good faith effort to achieve
23 the goal. These include: The impact of the failure of
24 governmental agencies located within a jurisdiction to
25 implement diversion programs on the host jurisdiction's

1 ability to reach the goal; whether the jurisdiction has
2 requested and been granted an extension for meeting or a
3 reduction in the diversion requirements; and other
4 criteria which may be added in future revisions to the
5 Board's enforcement policy that was originally adopted in
6 April of 1995.

7 --o0o--

8 COMMITTEE MEMBER PEACE: What does that mean? I
9 read that in the agenda item, other criteria. But it's
10 other material added. What does that mean?

11 STAFF COUNSEL BLOCK: Did you mean the as added
12 part or the emphasis added part?

13 COMMITTEE MEMBER PEACE: It says emphasis added.

14 STAFF COUNSEL BLOCK: That just means it's
15 bolded. It was just bolded on the -- because we're now
16 going to talk about the enforcement policy.

17 COMMITTEE MEMBER PEACE: It says other criteria
18 may be added in the future. Does that mean we can add
19 other criteria?

20 ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes. The
21 Board can add additional criteria to the CWIMP enforcement
22 policy. The first one was adopted in 1995. A revision
23 was adopted in 2001. And that specifies additional
24 criteria that the Board will look at when making a good
25 faith effort.

1 CHAIRPERSON PETERSEN: Catherine, can you back up
2 one more slide for Member Wiggins, please?

3 ACTING BRANCH MANAGER CARDOZA: This one.

4 COMMITTEE MEMBER WIGGINS: Thank you.

5 ACTING BRANCH MANAGER CARDOZA: This
6 Board-adopted policy known as the CWIMP Enforcement Policy
7 II was last revised and approved by the Board in 2001.
8 This outlines the basis for the Board's determination of a
9 jurisdiction's compliance with a diversion program
10 implementation and goal achievement requirements of the
11 Act. And as staff explained last month in a presentation
12 on the biennial review process, this policy is applied on
13 a case by case basis.

14 --o0o--

15 ACTING BRANCH MANAGER CARDOZA: In essence, the
16 policy lays out what the Board will consider during a
17 biennial review of a jurisdiction's progress in
18 implementing its SRRE to achieve the diversion goals.
19 Specifically, the policy identifies: The criteria used to
20 determine whether jurisdictions have implemented their
21 SRRE and HHWE; mechanisms the Board and jurisdiction will
22 use to achieve compliance with the implementation
23 mandates, and the structure that will be used to determine
24 any fines that may be levied against a jurisdiction that
25 have been issued a compliance order for failure to

1 implement its SRRE and that fail to meet the requirements
2 of that order.

3 --o0o--

4 ACTING BRANCH MANAGER CARDOZA: Once staff has
5 conducted the necessary site visits and reviewed all
6 relevant documentation, they must ultimately decide what
7 they will recommend to the Board regarding the
8 jurisdiction's level of compliance. To help in this
9 decision, the enforcement policy describes four basic
10 compliance scenarios. These are: Implementing all or
11 most programs and meeting the diversion rate; implementing
12 some or all programs but not meeting the diversion
13 requirements; implementing a small number of programs and
14 meeting the diversion requirements; and lastly, not
15 implementing programs and not meeting the diversion
16 requirements.

17 --o0o--

18 ACTING BRANCH MANAGER CARDOZA: It is important
19 to note that these criteria were developed to provide
20 example or illustrative scenarios for determining the
21 extent to which a jurisdiction has implemented or shown a
22 good faith effort to implement their selected diversion
23 programs.

24 The criteria are not prescriptive and they are
25 not a checklist. But they do provide the public -- the

1 regulated public with a list of the types of issues that
2 will be examined as part of a biennial review.

3 The CWIMP Enforcement effort was not intended to
4 mandate that each criteria be adhered to, and that if not,
5 that a local jurisdiction be found to be in a failure
6 situation.

7 --o0o--

8 ACTING BRANCH MANAGER CARDOZA: Given that, what
9 are the possible outcomes then of the biennial review?
10 Staff will either recommend the Board find the
11 jurisdiction is in compliance because it is implementing
12 programs and has a diversion rate at or above 50 percent
13 or at its Board-approved reduced rate or that the
14 jurisdiction is in compliance because it is either
15 adequately implementing programs but not reaching the
16 50 percent goal or it is only implementing a few programs
17 but never the less achieving or surpassing 50 percent. Or
18 lastly, the jurisdiction could be issued a Compliance
19 Order for not implementing programs and not achieving the
20 diversion goal. And failure to meet the requirements of a
21 Compliance Order may result in fines of up to \$10,000 a
22 day until the requirements are met.

23 --o0o--

24 ACTING BRANCH MANAGER CARDOZA: In summary, the
25 Act allows the Board to approve a jurisdiction's progress

1 of implementing diversion programs based on its good faith
2 effort to implement programs even if it has not achieved
3 the 50 percent goal. And criteria for considering a
4 jurisdiction's good faith efforts are specified in
5 statute.

6 And additional biennial review criteria for
7 determining a jurisdiction's level of compliance with the
8 diversion requirements of the Act are included in the
9 Board's adopted policy document, CWIMP Enforcement Policy
10 Part II, as revised in August 2001. That document has
11 been incorporated into statute and acts as a guide for the
12 Board in its determination of compliance with the Act.

13 That concludes my presentation.

14 --o0o--

15 ACTING BRANCH MANAGER CARDOZA: Are there any
16 questions?

17 CHAIRPERSON PETERSEN: Questions.

18 COMMITTEE MEMBER PEACE: Well, you know what I
19 consider good faith effort I guess that means to me a
20 jurisdiction has in its plans or plans of correction, you
21 know, C&D ordinance, a multi-family recycling ordinance,
22 commercial recycling mandate. Are these things you look
23 at then, these are the kinds of things you look at when
24 you consider if they're making a good faith effort?

25 STAFF COUNSEL BLOCK: Let me go ahead and kind of

1 jump in. There's kind of a two part answer to that.

2 The statute's definition of a good faith effort
3 is all reasonable and feasible efforts to implement the
4 programs that the jurisdiction has selected. So when
5 staff is making their review, they're looking at what did
6 the jurisdiction say it was going to do in latter days
7 both in the SRRE and also in their 1066 if they have one.
8 And did they do that? Did they make all reasonable and
9 feasible efforts to implement those programs? Good faith
10 effort is not were there other things they could have
11 done.

12 So the second part of that question and the
13 second part of the answer is I think staff would be
14 looking at whether they have those other programs as well
15 as if they weren't originally selected, because the
16 statute also says if they have done more than they said
17 they could do, we could take that into account. But they
18 can't -- a jurisdiction cannot be found to have not made a
19 good faith effort for not doing something that they never
20 said they were going to do in the first place.

21 COMMITTEE MEMBER PEACE: So we can't say, you
22 have a lot of multi-family units in your jurisdiction.
23 You don't have any multi-family recycling. You're only at
24 35 percent. I think you need to have multi-family
25 recycling.

1 STAFF COUNSEL BLOCK: The Board is always free to
2 make suggestions to jurisdictions as to how they can do a
3 better job, absolutely. But within the context of
4 determining whether they are complying with the statute or
5 not, you're correct. You would not be able to tell them
6 no.

7 And let me back up.

8 COMMITTEE MEMBER PEACE: And we would be able to
9 put them on a Compliance Order?

10 STAFF COUNSEL BLOCK: If, in fact -- you're
11 correct. If, in fact, the determination was that there
12 hadn't been a good faith effort since they hadn't made the
13 goal, they hadn't done a good job of doing what they said
14 they would do, at that point essentially you've almost got
15 a rebooting of what's going on. And the Board in the
16 context of a Compliance Order at that point can look more
17 broadly and specifically direct.

18 Within a Compliance Order, okay, we gave you the
19 benefit of the doubt. You came with a plan to how you
20 were going to meet the goal. It didn't work, number one.
21 Number two, you really didn't do everything you said you
22 would do. Therefore, we now have an extra level of
23 control over what you're going to do. We're going to now
24 actually direct some specific things to be done.

25 But if they, in fact, have done everything and

1 done a good job of doing everything they said they would,
2 you don't get to that role.

3 Now, the SB 1066 provisions and the time
4 extensions and like essentially kind of formed a bridge
5 between those two things. And that's one of the reasons I
6 think this has gotten a little muddled over the years,
7 because the 1066 process has essentially allowed
8 jurisdictions to enlarge on what they said they would do.
9 And they have involved -- because staff is so involved in
10 providing guidance, they have involved a lot more give and
11 take with the jurisdictions over what makes sense as we
12 all move toward trying to divert as much as possible.

13 But ultimately in terms of finding somebody out
14 of compliance, it doesn't change that sort of basic
15 scenario. And that's based on the very beginning of 939
16 was set out as you've got 500 plus jurisdictions with 500
17 plus different situations. We need to set out the basic
18 goal. But they each based on their own circumstance need
19 to figure out what makes the most sense for them.

20 CHAIRPERSON PETERSEN: So Elliot, everybody got
21 together and figured out their own jurisdictions what they
22 were going to do and their design to get to 50 percent
23 what was state of the art at the time. I got that. So
24 now we're there and some of them aren't making it. But
25 there's other things they can do now that we know

1 state-of-the-art now to come up to the top. So we have to
2 change the SRRE; right? Is that what has to happen?

3 BOARD MEMBER MULÉ: Excuse me, Chair Petersen. I
4 guess I have written down a question how often can a SRRE
5 be updated or can it be updated? Because I was thinking
6 pretty much along the same lines as you were. You know,
7 when these SRREs were developed back in the early '90s,
8 situations, technology was different, and frankly the
9 waste stream was different. And so we now have
10 significant portions of the waste stream, such as C&D
11 material, that didn't exist back in the early '90s or
12 existed in a much lower percentage.

13 And so I guess my question is along the same
14 lines as the Chair's of how often can a SRRE be updated?
15 It should be updated when you think about it. So if you
16 can help us with that, I think that would help answer some
17 of those questions.

18 STAFF COUNSEL BLOCK: I'm pulling something up
19 right now. There is a provision in the statute for a
20 five-year review. But let me just --

21 ACTING BRANCH MANAGER CARDOZA: Jurisdictions
22 update their SRREs annually in the annual report. They're
23 always adding new things as they come across them and as
24 they find it reasonable and feasible to do. But the
25 impression is can we mandate they do that as a part of

1 defining good faith effort? And that's a different
2 discussion.

3 BOARD MEMBER MULÉ: To me, I would think it would
4 be in the best interest to update this.

5 ACTING BRANCH MANAGER CARDOZA: Most do want to
6 meet 50 percent.

7 BOARD MEMBER MULÉ: We deleted this program
8 because that's not being effective. However, we added
9 these three programs.

10 So the SREEs in theory can be updated on an
11 annual basis. They can be updated by the jurisdiction.

12 STAFF COUNSEL BLOCK: There is a requirement they
13 be reviewed at least once every five years. They can be
14 reviewed more often. And what we have done over the
15 years -- because the revision process itself involves a
16 fair amount of procedure, public hearings, some specific
17 items that tend to get -- you get bogged down in some
18 procedure.

19 What we have done in recognition of a lot of
20 these programs move fast and get added quickly, we have
21 allowed jurisdictions -- obviously they go through their
22 own normal process to update through their annual report
23 where they added programs. They're adding to the annual
24 report. Because again they're adding it. So there's
25 really no reason for us to have any difficulty with them

1 deciding to do more rather than less.

2 So again, when we're doing our review in terms of
3 whether they've implemented what they said they with do,
4 it's including those things they've added that said they
5 were going to do.

6 BOARD MEMBER MULÉ: Staff takes all of that into
7 consideration in determining if they met it.

8 CHAIRPERSON PETERSEN: So do we have any
9 jurisdictions where we've sat down with them and said,
10 "You know, you could have this and put you right over the
11 top." And they said, "Well, no. We don't want that to
12 happen." Has that happened?

13 ACTING BRANCH MANAGER CARDOZA: Usually if their
14 jurisdiction says no, it's because they don't have the
15 resources to do so.

16 CHAIRPERSON PETERSEN: Or the political will;
17 right?

18 BOARD MEMBER MULÉ: Well, I just want to make a
19 comment here. I think it's important. There was one of
20 the slides here in this presentation that this is -- we
21 want to avoid an across-the-board checklist. And again,
22 the way the Act was written was to allow jurisdictions to
23 develop programs based on their jurisdiction's waste
24 characterizations and needs. So we need to keep that in
25 mind.

1 And I guess I just have faith in our staff that
2 they're looking at all of that when they do make those
3 determinations and bring them to us to consider. You
4 know, I think our staff, you know, does a lot of
5 investigation and research and follow up and to ensure
6 these jurisdictions are making their good faith effort. I
7 mean, that's their job.

8 COMMITTEE MEMBER WIGGINS: Especially for rural
9 counties.

10 CHAIRPERSON PETERSEN: Right.

11 Are there any other questions or comments?

12 COMMITTEE MEMBER WIGGINS: Yeah.

13 CHAIRPERSON PETERSEN: Go ahead, Member Wiggins.

14 COMMITTEE MEMBER WIGGINS: It looks like staff
15 really is going to determine whether they're making a good
16 faith effort. Although it says that the jurisdiction will
17 be required to demonstrate to the Board its good faith
18 effort, it's really staff that's going to be telling us
19 whether they've made a good faith effort or not.

20 And so my next question is, with this discussion,
21 what do you want to hear from the Board? The item is
22 Discussion of Requirements to Consider in Making a
23 Determination of Good Faith Effort for a Jurisdiction's
24 Biennial Review. So my question is, what do you want to
25 hear from the Board?

1 ACTING BRANCH MANAGER CARDOZA: It was an
2 informational item to explain the basis for where we're
3 coming from when we make -- based on our review of the
4 information provided by the jurisdiction. It's our best
5 analysis of what they have and to make that
6 recommendation. So it was just an education to explain
7 what the basis of good faith effort is.

8 COMMITTEE MEMBER WIGGINS: Thank you.

9 COMMITTEE MEMBER PEACE: When I look at this, as
10 a Board member, I think we need to step it up a notch.
11 You're looking at these -- I realize they're biennial
12 review findings for 03/04. We have to move forward. A
13 lot of these jurisdictions are still not at 50 percent.
14 Or a lot of them were at 50 percent and now they've
15 dropped. That really concerns me, especially when we see
16 the ones that are 50 now that dropped.

17 And you did mention that the Board could consider
18 additional criteria to look at when making a good faith
19 effort. I was wondering is there any way we can step it
20 up a notch to look at more things? Are they doing like
21 with the multi-family recycling, you know. If they're not
22 at 50 percent, we can say I think you need this.

23 But aside from that, also like Board Member
24 Wiggins mentioned, the rural counties. I know there is
25 probably a lot of smaller rural counties that probably

1 realistically will never get to 50 percent.

2 But I'm sure everybody realizes that to get to
3 50 percent, the jurisdictions, that they're required to do
4 as mandated in AB 939 can only be sustained if we close
5 the loop by recycling and buying recycled. And that means
6 more than just buying recycled paper and toner cartridges
7 that we've heard before. I'm wondering is there other
8 criteria that we can put in place to say we know you're
9 never going to reach the 50 percent, but maybe you can
10 show a good faith effort by using refined oil in the city
11 vehicles, using recycled paint on your city buildings,
12 making sure you use compost and mulch along their roads
13 for drainage control and in their carts. I'm just
14 wondering what we can do to try to push the recycled
15 market. Because if we aren't going buy the recycled
16 stuff, then you're never going to --

17 STAFF COUNSEL BLOCK: The reality is I'm sure
18 there are absolutely other things we can do, and we could
19 look at enforcement policies that was mentioned. It was
20 first adopted in '95 and we revised it in 2001.

21 Historically, one of the interesting things about
22 this, it was mentioned before when you were asking a
23 question about the statute talking about provisions. The
24 enforcement policy was something that we developed
25 internally starting in probably about '93 as we started

1 grappling with how we were going to evaluate good faith
2 effort, which it's a fairly subjective word with a fairly
3 subjective definition.

4 But we realized early on coming up with some
5 other subjective words to further define it wasn't going
6 to help. So enforcement policy part two is really
7 designed almost like a process is. As we get a
8 jurisdiction to review, how are we going to go about --
9 what are we going to look at when we try to figure out
10 that sort of broader definition? It was developed with a
11 lot of workshops, a lot of input from a lot of folks. And
12 we had a lot of consensus from folks that this -- on all
13 stakeholders this was kind of the common sense way. This
14 is how we can sort of fit the square peg in a round hole.
15 So much so we were actually as surprised as anybody else
16 when it ended up in the statute. This was primarily an
17 internal process how we were going about doing these.

18 The League of Cities first sponsored the bill
19 that first put it into the statute. I'm pretty sure it
20 was authored by Byron Sher, because we came up with a nice
21 product after probably a year plus of input. This is a
22 good process for doing that. And then they actually put
23 it into statute which helped us in terms of so we didn't
24 have to do any kind of regulatory action and actually
25 added that language that said and any subsequent revision.

1 So really trusting the Board's process to -- if we were
2 going to look at it again, we were going to go through the
3 same process. That's what we did again in 2001, as we
4 knew we needed to make some adjustments to it. We did
5 that again ultimately resulting in a revision in 2001.

6 It's a long answer to get to. We absolutely can
7 look at it one more time. It's analogous to the five-year
8 reviews the jurisdictions do if you will every five years.
9 There's probably a number of those things.

10 But if what you are asking is can we do it today,
11 I think the answer to that is no. But we absolutely
12 long-term looking to the future if we want to start
13 planning with that, talking about looking at it's a new
14 world from '95, a lot has changed since then, it's within
15 your ability to direct us to start that process. But we
16 couldn't do it today, if you will. Essentially, we're
17 explaining the rules.

18 COMMITTEE MEMBER PEACE: Things have changed over
19 the last six years. Maybe we should look at them again.

20 CHAIRPERSON PETERSEN: The technology is moving
21 faster. I mean, they're ahead of us now in where we're
22 going. We have to look at something here to take the next
23 steps. That's what I think. Push the envelope. Kick it
24 up a notch, like Cheryl said.

25 COMMITTEE MEMBER PEACE: If there are still

1 jurisdictions that say this is never going to get there,
2 there's other things they can do. They can send it back
3 and say, "I guess we are at 35 percent. There's nothing
4 else we can do." Maybe they can at least help drive the
5 markets for the recycled products that will ultimately
6 help the State with the problem for the overall diversion.

7 CHAIRPERSON PETERSEN: Cheryl, I think it's
8 two-fold: Driving the market and driving the technology
9 to make this all above and beyond the 50 percent.

10 BOARD MEMBER MULÉ: Thank you, Mr. Chair.

11 And I think staff is attempting to do that on a
12 number of fronts. But one being the recycled content
13 materials marketing program is to go out and educate the
14 jurisdictions how they can create their own destiny via
15 939 and go beyond 50 percent by utilizing the recycled
16 content materials such as RAC and TDA and mulch and
17 compost. And then the other front that staff is working
18 on and doing a fantastic job with is the Caltrans speck
19 projects. Because we know that by driving those markets,
20 creating that market demand is going to again help divert
21 this material, create the markets, and help the
22 jurisdictions making them see the 50 percent.

23 COMMITTEE MEMBER PEACE: Close the loop.

24 CHAIRPERSON PETERSEN: I know we're running a
25 little late on items here, but is there any other

1 questions?

2 COMMITTEE MEMBER WIGGINS: Yeah. I'm just
3 curious. Some of the rural counties have in their
4 biennial review have gone down over time in their
5 diversion. Trinidad, for example, started out in the year
6 2004. And in 2004, it was 47 percent. Willis went
7 down --

8 CHAIRPERSON PETERSEN: I think, Pat --

9 COMMITTEE MEMBER WIGGINS: Rio Dell went down.
10 Why would they be going down? Is it because there's
11 housing going on that --

12 CHAIRPERSON PETERSEN: There's a lot of issues
13 with rural jurisdictions.

14 You don't mind me answering this question?

15 When they have a major business let's say that's
16 in the community and they shut down, like a saw mill or
17 something that creates a loss of employment and they're
18 out of town, they're gone, and their recovery rate is
19 dropping because everybody is moving. Things happen in
20 small communities when they have a large industry moving
21 out. Huge impact. Am I right?

22 COMMITTEE MEMBER WIGGINS: Well, lumber went down
23 in Humboldt County.

24 CHAIRPERSON PETERSEN: You guys might want to add
25 to that.

1 ACTING BRANCH MANAGER CARDOZA: Well, kind of an
2 answer or further explanation about good faith effort that
3 we always must keep in mind that is sometimes the numbers
4 may look like they're going down and it's not because of a
5 program that's not being implemented and should be or
6 something was dropped. It could be a question of the
7 measurement system, especially in small rural
8 jurisdictions. I think one of the jurisdictions, Board
9 Member Wiggins, that Trinidad and those small
10 jurisdictions, it can be ten tons of waste can make a
11 difference and one percentage point of diversion. So it
12 could be that a truck went through the gate during the
13 quarterly reporting, and so they all of a sudden have a
14 lot, when the truck didn't go that week, so they're at
15 100 percent diversion. Zero waste. And it's not always
16 accurate.

17 So if you look at these trends, sometimes they go
18 up and they go down. And they go up and down. There's
19 fluctuation from year to year in all of them. So it's not
20 just a consistently upwards trend or down. They vary.
21 It's an estimate. The waste measurement is an estimate,
22 and it's an estimate on an estimate. It's not a defined
23 accurate science. So that's why we put a lot of emphasis
24 on program review. Are they implementing what they said
25 they would and we go out and try to get them to do more?

1 And for the most part, jurisdictions do as much as they
2 can.

3 COMMITTEE MEMBER WIGGINS: So for these small
4 communities, their diversion rate is a small number.

5 ACTING BRANCH MANAGER CARDOZA: And some of them
6 are .0005 percent of State's waste stream. So it's really
7 a minuscule amount of waste we're looking at in some of
8 these.

9 CHAIRPERSON PETERSEN: Okay. I have other
10 questions, but I'm going to hold them.

11 We have one speaker on this item, Alan Abbs.
12 Would you please state your name and who you're with?

13 MR. ABBS: My name is Alan Abbs, Solid Waste
14 Director for Tehama County. And I'm here representing the
15 Rural Counties Environmental Services JPA.

16 CHAIRPERSON PETERSEN: You're going to help us
17 with this; right?

18 MR. ABBS: Yes, I am.

19 I'd like to say for starters that whenever I hear
20 the phrase especially rural counties, it's music to my
21 ears. Because it means we're getting our message across.

22 And at last month's Sustainability and Market
23 Development Committee and as well as this month's, it
24 sounds like the Committee members had a lot of questions
25 about waste flows in rural jurisdictions and rural

1 counties. And other rural jurisdictions certainly use
2 their fair share of good faith efforts when we go through
3 the biennial review process.

4 The Environmental Services JPA represents a land
5 mass of about 30 percent of California that creates only
6 less than 4 percent of the State's waste. And so it's a
7 very distributed amount of waste. It's very hard to
8 collect it efficiently. It's very hard to collect
9 recyclables to find markets to send it to. It's a long
10 distance for things to travel.

11 With that in mind, I'll keep it brief. I just
12 wanted to remind the Committee of the SB 2202 process that
13 Waste Board staff spent a significant amount of time
14 working on last year as well as a lot of the local
15 government representatives in solid waste.

16 And just to briefly recap the 2202 process, we're
17 looking at ways to recommend changes to the AB 939 process
18 and specifically in relation to rural counties. What the
19 working group recommended and what the Waste Board
20 accepted as recommendation related to assessing rural
21 waste management programs based on the programs
22 themselves, not on the percentages that we came up with
23 for diversion. And the Committee members have talked
24 through a lot of these same concerns that we've had over
25 the years. Large slots of waste disproportionately effect

1 our diversion rates. Construction effects our diversion
2 rates without the subsequent population growth which would
3 make it appear we're recycling more. We have problems
4 with recycling markets, things like that.

5 So I'd just like the Committee to keep in mind we
6 did go through the 2202 process. We spent a lot of time
7 going over some of the issues the Committee members are
8 talking about right now. And I hope that the effort that
9 Waste Board staff and the solid waste and the other
10 jurisdictions that participate, I hope all this work isn't
11 for not and that the report will go somewhere. Thank you.

12 CHAIRPERSON PETERSEN: Thank you, Alan. We
13 agree. We're all in support of what the staff did and has
14 worked on. And Pat's here, and I know this has been a
15 long process of doing what we're talking about. So bean
16 counting drives me nuts. If we get the programs in place
17 and we move on with more programs, that's better.
18 Everybody sitting at their desk counting paper drives me
19 crazy. So anyway, thank you.

20 Okay. I guess that's that. And Catherine, thank
21 you very much.

22 Okay. Are we moving on here? This is
23 informational; right? We're moving to H.

24 ACTING DEPUTY DIRECTOR VAN KEKERIX: We would
25 like to propose that we do H, I, J, K, and L, I won't read

1 them, as specified in the agenda item. And Caoru Cruz
2 will do the presentation for all five items.

3 CHAIRPERSON PETERSEN: Can I just ask is that
4 okay with the Committee?

5 COMMITTEE MEMBER PEACE: We can present all of
6 them. But I think I'd like each Resolution to be
7 individual, because I have more questions.

8 CHAIRPERSON PETERSEN: That's fine. Go ahead.

9 MS. CRUZ: Good morning, Chair and Committee
10 members. I will be presenting all five biennial review
11 items in this one presentation.

12 Starting with Agenda Item H, Board Item 7, staff
13 conducted their reviews of the 25 jurisdictions in this
14 item and found they have met or surpassed the 50 percent
15 goal in 2004. Staff found they were also adequately
16 implementing source reduction, recycling, composting, and
17 public education and information programs as outlined in
18 their descriptive source reduction and recycling element,
19 SRRE, and household hazardous waste element, HHWE.

20 I need to point out, however, that two of the
21 cities that are in the title, the cities of Ridgecrest and
22 Maricopa, both in Kern County, are being pulled from this
23 item. This change is reflected in the Revised Resolution.

24 The six jurisdictions in Agenda Item I, Board
25 Item H, have also all met or surpassed the 50 percent goal

1 in 2004 and are adequately implementing diversion
2 programs. This item differs from Item 7 because the
3 jurisdictions have each been granted an SB 1066 time
4 extension and/or alternative diversion requirement that
5 ended in 2003 or 2004. And they have successfully
6 implemented the programs selected in their respective
7 extensions.

8 The next three Agenda Items, Item J, K, and L, or
9 Board Item 9, 10, 11, represent the total of 25
10 jurisdictions that staff believes have shown a good faith
11 effort to implement all feasible and reasonable diversion
12 programs as well as supporting programs to meet the 50
13 percent diversion goal, yet fall below the goal. Based on
14 the analysis of available information, Board staff
15 believes these jurisdictions can be found to be in
16 compliance as they fall under scenario two of the CIWMP
17 Enforcement Policy Part II. That is implementing some or
18 all programs but not meeting the diversion requirements.

19 Twelve of the 25 jurisdictions have been grouped
20 together in Agenda Item J, because the Board approved
21 their 2001-2002 biennial review result based on their good
22 faith effort to implement programs to meet the diversion
23 goal. While these jurisdictions have still not met the
24 goal, staff believes they have continued to make all these
25 noble and feasible efforts to meet the 50 percent goal and

1 are in compliance with diversion program implementation
2 requirements. These jurisdictions have also submitted the
3 required documentation that shows they meet the condition
4 for claiming that biomass or transformation diversion
5 credit and/or construction and demolition waste disposal
6 reduction.

7 The eight jurisdictions in Agenda Item K have met
8 the diversion requirement during the last 2001-2002
9 biennial review, but have fallen short of the goal in
10 2004. Based on this analysis of their program
11 implementation effort, however, staff believes they have
12 made all reasonable and feasible efforts to meet the
13 50 percent goal and are in compliance with diversion
14 program implementation requirements.

15 I do need to point out that there is one error in
16 Attachment 1A of this item for City of Fontana. Their
17 2003 diversion rate should be 48 percent, not 46 percent.
18 We will make that correction for the Board meeting.

19 One jurisdiction has also submitted the required
20 documentation showing it has met the condition for
21 claiming transformation diversion credit.

22 Lastly, the five jurisdictions in Agenda Item L,
23 Board Item 11, had also been granted SB 1066 time
24 extension and/or alternative diversion requirements that
25 ended in either 2003 or 2004, as had the jurisdiction in

1 Item 8. But despite having successfully implemented the
2 program selected in their time extensions, these five
3 jurisdictions have still not achieved the 50 percent
4 diversion requirement. Staff believes, however, that they
5 have met all reasonable and feasible efforts to implement
6 additional diversion programs including those identified
7 in their SB 1066 Plan of Correction or full achievement
8 plan to meet the 50 percent diversion goal and in
9 compliance with diversion program implementation
10 requirement.

11 Two jurisdictions also claiming biomass diversion
12 credit have submitted the required documentation showing
13 they met the condition for claiming that credit.

14 To conclude, as a result of staff evaluation of
15 these jurisdictions program implementation efforts and
16 diversion rate, Board staff is recommending approval of
17 the 2003-2004 biennial review result for all jurisdictions
18 in those five items, with the exception of Ridgecrest and
19 Maricopa that had been pulled from Item 7.

20 I believe we have about 20 representatives
21 present today, and they are ready to answer any questions
22 you may have. This concludes my presentation.

23 CHAIRPERSON PETERSEN: Okay. I'd like to see if
24 we can do this by taking -- I know we're going to have
25 some comments on some certain items. But if nobody has

1 any objection in H and I, can we take those to a vote now?

2 They're all over 50. Can we take a motion on that, 7 and

3 8?

4 COMMITTEE MEMBER WIGGINS: Can it be separate
5 motions?

6 COMMITTEE MEMBER PEACE: I don't have a lot of
7 questions, but --

8 CHAIRPERSON PETERSEN: They can be separate
9 motions, but I'd like to take those two because they're
10 over 50 percent.

11 COMMITTEE MEMBER PEACE: Can I ask a question on
12 7? Why was Maricopa and Ridgecrest taken out?

13 ACTING BRANCH MANAGER CARDOZA: Ridgecrest was
14 taken out because we had put it in prior to making the
15 site visit. But when we made the site visit, we
16 determined that they should not be going forward at this
17 time. We need to do some follow up with them. And
18 Maricopa we didn't have a chance. And because we found
19 out with Ridgecrest, we decided we should pull it as well
20 until we can follow up with the jurisdiction.

21 CHAIRPERSON PETERSEN: That's fine.

22 COMMITTEE MEMBER PEACE: It looks like here it
23 says Maricopa was like at 67 percent and they sound good.

24 ACTING BRANCH MANAGER CARDOZA: It's probably
25 fine, but we wanted to visit them.

1 COMMITTEE MEMBER: Every one of these had the
2 same diversion rate in 2004 and 2003 had a higher
3 diversion rate. So all these are doing a good job.

4 But again, this is another one of those things
5 that if the Board approves this Governor's policy next
6 week, the biennial review findings such as this one for
7 jurisdictions over 50 percent and adequately implementing
8 their diversion programs will be approved by the Executive
9 Director.

10 I just had one question on 8. All the
11 jurisdictions are doing great. But when they say the C&D,
12 they're asking for a deduction claim for C&D. And you're
13 saying a federal building was taken down in one of them
14 and another one they had some school remodeling. What can
15 jurisdictions do about that kind of stuff. Especially
16 with the schools? They had like six schools being
17 remodeled. And they didn't know about it or the school
18 didn't have to tell anybody they were doing this. They
19 didn't do any C&D diversion.

20 MS. CRUZ: Usually, school district is exempt
21 from the franchise agreement in the city or county. So
22 they can choose any contractor or waste hauler they wish.
23 Usually the lowest bid hauler will get the contract. And
24 also the school district are exempt from getting the
25 building permit from the city or jurisdiction.

1 So most of the time, jurisdictions find out after
2 the fact that the building construction starting. So
3 there's no way they can go in, unless they have a good
4 relationship with the school district that they have a
5 good communication. Then they can request some kind of
6 diversion will be included in this construction. But it's
7 only a request, and they can't tell them they have to
8 divert at least 50 percent from that program.

9 COMMITTEE MEMBER PEACE: That's really a shame
10 that that can happen. Is there anything at all the Board
11 can do to help that problem? Or is it there's just like
12 nothing we can do?

13 CHAIRPERSON PETERSEN: Help us, Elliot. What do
14 you think?

15 ACTING DEPUTY DIRECTOR VAN KEKERIX: There's a
16 lot the Board staff already does do. And Board staff does
17 work with the jurisdictions to talk with them about what
18 projects they know that are coming up and to suggest that
19 they work closely with the agencies. And we've been
20 developing a stronger relationship with school districts
21 as well as to try to address the problem.

22 But when there is a problem, the Board adopted a
23 C&D policy, and jurisdictions show that it's out of their
24 control and that they've documented the amount. And then
25 because it's out of their control, the Board allows them

1 to subtract that C&D tonnage.

2 COMMITTEE MEMBER PEACE: You're saying school
3 districts and federal government projects. How about if
4 there was a big State building, do we have control then
5 over that?

6 STAFF COUNSEL BLOCK: No. We have a little bit
7 more control than we used to indirectly in the sense that
8 State agencies have to comply with AB 75.

9 But in terms of a project by project situation,
10 the reason school districts are not subject to local
11 control is because school districts under the statute are
12 considered to be State agencies. And State agencies and
13 school districts are not subject to local control over
14 issues like this.

15 So what Lorraine was mentioning was that we're
16 making a lot of effort to make sure the communication
17 happens. The policy itself was first adopted -- as I
18 recall, the catalyst had to do with some Caltrans projects
19 I think down in the Lemon Grove area. And so we,
20 independent of the policy which allows us to make some
21 allowance for that where it's out of the jurisdiction's
22 control, we've been doing some things separate from a
23 statutory or requiring route to try to encourage that,
24 because it's in everybody's best interest.

25 The other problem that comes up is even where you

1 have a project where there's diversion going on, for
2 instance under AB 75 where the requirement is 50 percent,
3 if it's a project that's never happened in that
4 jurisdiction before, even if they are diverting 50 percent
5 of the construction and demolition waste, they're still
6 adding the other 50 percent that they're not diverting is
7 getting added to that jurisdiction's disposal. So it will
8 skew those numbers. Frankly, when you're dealing with the
9 highway project, as I recall the Lemon Grove situation,
10 they were diverting close to 90 percent. But that 10
11 percent they weren't diverting was enough to skew that
12 jurisdiction's numbers. So there's some control through
13 AB 75. There's some work that's going on. But it's a
14 more difficult problem than that.

15 CHAIRPERSON PETERSEN: Have we ever considered or
16 looked at or know of anybody that has considered putting
17 this into statute to bring them on board?

18 STAFF COUNSEL BLOCK: Putting what into statute?

19 CHAIRPERSON PETERSEN: State agencies or State
20 facilities or school districts to put them in. Doing
21 construction and demolition debris recycling is not rocket
22 science.

23 STAFF COUNSEL BLOCK: State agencies are required
24 to have, you know, and follow their AB 75 plans. But
25 again, because that's a 50 percent requirement in the

1 context of C&D, it still doesn't solve the whole problem.

2 There was a bill a few years ago relating to
3 school districts. But my understanding is that it did not
4 pass. I don't know any more details about that.

5 COMMITTEE MEMBER PEACE: If there aren't any more
6 questions, I'm ready to move Resolution 2006-173 Revised
7 2006-174.

8 COMMITTEE MEMBER WIGGINS: Second.

9 CHAIRPERSON PETERSEN: Deb, call the roll.

10 EXECUTIVE ASSISTANT BALLUCH: Peace?

11 COMMITTEE MEMBER PEACE: Aye.

12 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

13 COMMITTEE MEMBER WIGGINS: Aye.

14 EXECUTIVE ASSISTANT BALLUCH: Petersen?

15 CHAIRPERSON PETERSEN: Aye.

16 And that goes on consent.

17 Item J.

18 ACTING BRANCH MANAGER CARDOZA: We presented
19 these all.

20 CHAIRPERSON PETERSEN: I know. We need to talk
21 through. Now to move -- are there any questions basically
22 on Item J?

23 COMMITTEE MEMBER PEACE: Most of them are going
24 up. They are still not at 50 percent. But they're moving
25 in the right direction, which is good. I imagine Sierra

1 County Regional Agency is a rural, but they are still
2 moving up. So that's a good sign.

3 What I was wondering is Temecula, they went from
4 53 to 49 which wasn't a big change. Do we have a C&D
5 ordinance in place?

6 MS. CRUZ: The City doesn't have a C&D ordinance.
7 However, they addressed the C&D program by using the
8 conditional permit, putting the condition in the permit
9 that they have exclusive franchise hauler. And that any
10 project that they have to use that hauler -- and the
11 hauler is required to divert at least 50 percent.

12 COMMITTEE MEMBER PEACE: I know they're building
13 like gang busters in Temecula.

14 MS. CRUZ: But that permit program is working
15 well.

16 COMMITTEE MEMBER PEACE: Also with Trinidad, they
17 went from 61 to 47. Was there something big that happened
18 there?

19 ACTING DEPUTY DIRECTOR VAN KEKERIX: Trinidad has
20 less than 500 people. It's one of those situations where
21 they over the years they're up and down and all over the
22 place.

23 COMMITTEE MEMBER PEACE: That's good. I'm ready
24 to move Resolution 2006-175.

25 COMMITTEE MEMBER WIGGINS: Second.

1 CHAIRPERSON PETERSEN: Deb.

2 EXECUTIVE ASSISTANT BALLUCH: Peace?

3 COMMITTEE MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

5 COMMITTEE MEMBER WIGGINS: Aye.

6 EXECUTIVE ASSISTANT BALLUCH: Petersen?

7 CHAIRPERSON PETERSEN: Aye.

8 And we'll move that to consent.

9 Okay. Item K, any questions?

10 COMMITTEE MEMBER PEACE: Are these all the little
11 ones also like Rio Dell went from 52 to 17?

12 ACTING BRANCH MANAGER CARDOZA: We do have the
13 representatives of Rio Dell here if you'd like her to
14 address the Board.

15 CHAIRPERSON PETERSEN: I'm sorry. You know what?
16 I have to back up a second. We had another speaker for
17 Item J, Alan. I'm sorry. We're on your team here, okay.

18 MR. ABBS: Alan Abbs, Solid Waste Director from
19 Tehama County. I only filled out the card in case anybody
20 had any questions about Tehama County programs.

21 But just while I'm up here, I will say that last
22 month I was up in front of the Committee, and I did say
23 that I would be following up with a C&D ordinance for the
24 unincorporated portion of Tehama County which would follow
25 in the footsteps of the C&D ordinance from the City of Red

1 Bluff. And the Committee will be happy to know that we're
2 in the process of drafting that ordinance with the
3 blessing of the building department. And we should get
4 that signed by -- approved by the Board of Supervisors in
5 November. So that will be a good program for us.

6 CHAIRPERSON PETERSEN: Good for you guys. Thank
7 you.

8 So we're back on J; right?

9 ACTING DEPUTY DIRECTOR VAN KEKERIX: K.

10 CHAIRPERSON PETERSEN: Here we go. Anybody have
11 any questions?

12 COMMITTEE MEMBER PEACE: Rio Dell, they're all
13 over the place. Is that another little, small, little
14 one?

15 COMMITTEE MEMBER WIGGINS: Well, yeah. I have a
16 question. Why -- I mean 17 percent, and they're still
17 getting a biennial review. I mean, is it they either get
18 approved for their biennial review or they're rejected and
19 then they're fined?

20 ACTING DEPUTY DIRECTOR VAN KEKERIX: No. They
21 would have to get a Compliance Order. And if they fail to
22 meet the Compliance Order, then they would get a fine. So
23 the choice is whether the Board goes with a good faith
24 effort, that they did all reasonable and feasible efforts,
25 or that they should be not included in this group and come

1 back.

2 COMMITTEE MEMBER PEACE: Also --

3 COMMITTEE MEMBER WIGGINS: These are really tiny,
4 tiny communities.

5 ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes. And
6 the representative of Rio Dell is here to answer
7 questions.

8 CHAIRPERSON PETERSEN: Hi.

9 COMMITTEE MEMBER PEACE: Maybe you can answer
10 this question, because it does say under the program you
11 do have procurement. So does that mean green procurement?
12 Is that what you're talking when you're buying recycled
13 product?

14 MS. RALSTON: Correct. We are.

15 COMMITTEE MEMBER PEACE: Tell me which kind of
16 things you're buying.

17 MS. RALSTON: Some of the things that we are --
18 first of all, my name is Carla Ralston. I'm the Recycling
19 Coordinator for the City of Rio Dell.

20 Some of the things we're doing as far as
21 procurement and purchasing are -- we're a small community.
22 We have a very small budget. So we do things in not so
23 normal ways. Recently, there was a company liquidating.
24 We needed office furniture, office equipment. So we went
25 to an auction and bought all of our items there that we

1 could foresee using in the near future, next few years:
2 file cabinets, file folders, overhead projectors,
3 conference table, chairs, couple of desks. So we bought
4 things like that.

5 Some of the other items that we are using for
6 procurement, one of the things that came to my mind was
7 mulch. Because I saw a list that came out, and we
8 recently took down some pine trees in town and they were
9 taken back to our public works yard. They were chipped.
10 And that will be used throughout town for landscaping
11 projects, things like that.

12 I have been working on an official policy or
13 resolution. It had made it as far as my accounting
14 supervisor. It got kicked back. It's something I'm just
15 working on trying to get passed. And sometimes it's a
16 matter of making everybody understand that buying
17 something at the lowest available cost is not the best way
18 to do business. So I'm also educating within my own city
19 offices.

20 CHAIRPERSON PETERSEN: Can you tell me how many
21 people in Del Rio?

22 MS. RALSTON: Thirty-two hundred. And also too I
23 would like to bring to your attention we do have a rural
24 reduction of 43 percent. But I'd like to say we were at
25 52 percent two years ago, and this year it's at 17.

1 That's huge.

2 And we have some serious reporting issues in
3 Humboldt County. Our numbers have been all over the map
4 for the last five years. And part of it is during survey
5 week, if we have a demolition in town and a truck rolls
6 across the scale, 20 tons changes my diversion by one
7 percent. So if I'm unlucky to have a couple of trucks
8 rolling through there, it just skews everything
9 tremendously.

10 As a county, we have a local task force. We've
11 come together and hired members from the California
12 Conservation Corps to go in and take our own set of survey
13 numbers during survey week to do our own survey so we can
14 compare and try to figure out what's going on between the
15 three transfer stations in the county to find out why our
16 numbers are fluctuating so much. I don't know that we
17 found the answer to why. We know they are.

18 One of the things I would say -- you had
19 questions earlier regarding the JPA versus a regional
20 agency. One of the things I'm truly in favor of because
21 we are a JPA is becoming regionalized so our numbers can
22 go together. Because we are having such an issue with
23 these reporting with survey weeks. And for example,
24 Trinidad is part of our local task force, part of the JPA.
25 They're experiencing the same problems as we are, as well

1 as Ferndale. So it's running throughout the whole county.

2 CHAIRPERSON PETERSEN: With that kind of a
3 population, this is tough. I understand.

4 MS. RALSTON: One of the other things I just want
5 to bring your attention to working with my local
6 representative here, Jill Simmons has projected our number
7 to be 44 percent next year. Two years ago when I first
8 took this position, I implemented a single stream
9 recycling program curbside. And so I think that -- I
10 mean, that says volumes. We were the first city in the
11 county to have single stream curbside recycling. And just
12 knowing that that's a good step in the right direction.

13 We truly are trying. We've implemented a lot of
14 programs beyond the single stream recycling. I also have
15 large recycle bins behind City Hall that are available for
16 the public to use. It's all commingled. And they're
17 being used. They're being taken advantage of most
18 definitely.

19 We are a small city, so I've had the opportunity
20 to go out and work with contractors individually trying to
21 educate them about C&D recycling.

22 I find obstacles to that as well. We don't have
23 the infrastructure in Humboldt County or at least in
24 southern Humboldt to really mandate or require these
25 contractors to have to abide by an ordinance or resolution

1 if we don't have the infrastructure in place. We have no
2 C&D recycling facility. So we have in a neighboring city
3 or neighboring town there is a cogen plant. So we
4 encourage them to take the green waste and the wood waste
5 from buildings over there. They are taking advantage of
6 that. But there's very limited resources.

7 COMMITTEE MEMBER WIGGINS: I have a question.
8 What is your job title again?

9 MS. RALSTON: Recycling Coordinator.

10 COMMITTEE MEMBER WIGGINS: For the city of Rio
11 Dell?

12 MS. RALSTON: Rio Dell, yes.

13 COMMITTEE MEMBER WIGGINS: For 3200 people, they
14 have a Recycling Coordinator?

15 MS. RALSTON: I have three positions.

16 COMMITTEE MEMBER WIGGINS: You wear three hats.
17 I thought so.

18 MS. RALSTON: I'm Code Enforcement, Recycling
19 Coordinator, and Administrative Assistant to the Police
20 Department. So I spend about two hours a day at very,
21 very best working on recycling.

22 COMMITTEE MEMBER WIGGINS: Well, you talked about
23 a transfer station. You don't have a transfer station in
24 Rio Dell.

25 MS. RALSTON: No. I don't deal with the transfer

1 station. As far as what we did, the local task force --
2 this is Louise Jeffrey, our Humboldt County Recycling
3 Coordinator. What our local task force did was we
4 arranged to hire California Conservation Corps members to
5 go in and take surveys for us during survey week at the
6 local transfer stations because we're having difficulty
7 with the numbers those transfer stations are providing.

8 COMMITTEE MEMBER WIGGINS: Where is the transfer
9 station?

10 MS. RALSTON: There are three in Humboldt County.
11 And one is approximately seven miles from my city. One is
12 about 25 miles from my city. And the next one is probably
13 35 to 40 miles from my city.

14 COMMITTEE MEMBER WIGGINS: I visited one of them.
15 Okay.

16 CHAIRPERSON PETERSEN: Are you in a recycling
17 zone, is the county?

18 COMMITTEE MEMBER WIGGINS: Yeah. It is.

19 MS. RALSTON: Yes.

20 CHAIRPERSON PETERSEN: Interesting. Maybe we
21 could take a look at helping you guys with some RMDZ funds
22 to deal with the C&D. Because I can see where your
23 numbers are all over the place because of this.

24 MS. JEFFREY: I just spoke to our recycling
25 market development zone coordinator last week about the

1 C&D and was explaining to her how frustrated I was
2 because -- I work for the Humboldt Waste Management
3 Authority, the Joint Powers Authority. So my goal is to
4 pass a construction and demolition policy that would be
5 the same throughout the seven cities in the county to make
6 it easier for the construction industry. And I was
7 explaining to her how frustrating and the fact we don't
8 have the infrastructure to deal with this. And I can't
9 really impose these rules on this industry without having
10 the infrastructure in place. So what she and I discussed
11 was potentially --

12 COMMITTEE MEMBER WIGGINS: Is this Maureen Hart?

13 MS. JEFFREY: Yeah.

14 Potentially implementing the C&D policy in
15 various phases and first dealing with maybe just
16 cardboard, which we have, you know, readily available
17 markets for our cardboard and anybody can get to a
18 recycling center for cardboard. And maybe film plastic
19 and move to scrap metal after that. And hopefully
20 throughout this time, more infrastructure for construction
21 and demolition recycling could be developed.

22 But she also explained there was less recycling
23 market development zone given to us this year. So we're
24 really -- there was -- I don't know if this money was
25 coming from a certain fund. But we didn't get the money

1 that we normally get I guess. It's really challenging,
2 because we don't have much money. And we're lucky we have
3 Maureen to work on this, you know. And her job isn't even
4 full time. So that's where our goals need to be.

5 Our local task force and we have a construction
6 demolition task force and Maureen to work on the
7 infrastructure and eventually we'll get a policy going in
8 all the cities which includes Trinidad, Ferndale, Rio
9 Dell, and all the rest of the jurisdictions.

10 CHAIRPERSON PETERSEN: You're on the right track.
11 This is great.

12 Any other questions?

13 COMMITTEE MEMBER WIGGINS: Just we have a
14 Resolution to give fire and light in Arcadia.

15 CHAIRPERSON PETERSEN: You got it. Great. Thank
16 you both very much.

17 COMMITTEE MEMBER PEACE: I'd like to move
18 Resolution 2006-176.

19 COMMITTEE MEMBER WIGGINS: Second.

20 EXECUTIVE ASSISTANT BALLUCH: Peace?

21 COMMITTEE MEMBER PEACE: Aye.

22 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

23 COMMITTEE MEMBER WIGGINS: Aye.

24 EXECUTIVE ASSISTANT BALLUCH: Petersen?

25 CHAIRPERSON PETERSEN: Aye.

1 Okay. Now on L, are there any questions? We're
2 going to put that on consent.

3 COMMITTEE MEMBER PEACE: L, these are
4 jurisdictions that were on an alternative diversion
5 requirement, and they should now be all 50 percent for the
6 03/04. They should have been at 50 percent.

7 CHAIRPERSON PETERSEN: They're close. As far as
8 I'm concerned, they're on.

9 COMMITTEE MEMBER PEACE: Why would Sacramento
10 need an alternative diversion rate?

11 ACTING DEPUTY DIRECTOR VAN KEKERIX: A number of
12 jurisdictions requested the alternative diversion
13 requirements when they felt they were putting programs in
14 that were going to take a little while to complete. And I
15 don't know whether we have somebody here to answer
16 specific questions on Sacramento.

17 COMMITTEE MEMBER PEACE: Does Sacramento have a
18 C&D ordinance?

19 MR. POGUE: Kyle Pogue with the Office of Local
20 Assistance. We do have representatives here from the City
21 of Sacramento. Marty Strauss and Tyler Straton are
22 available if you have questions.

23 The City of Sacramento was on a time extension
24 request. It wasn't an ADR. It was a time extension that
25 expired in 2002. And they completed all the programs in

1 that time extension at that time. So if you'd like them
2 to address that. I know they are working on a C&D
3 ordinance.

4 CHAIRPERSON PETERSEN: I would really like to
5 talk to them.

6 MR. STRAUSS: Good morning. I'm Marty Strauss,
7 the Solid Waste Planning Superintendent for City of
8 Sacramento.

9 CHAIRPERSON PETERSEN: Great. How are you today?

10 MR. STRAUSS: I'm fine.

11 CHAIRPERSON PETERSEN: Good. I understand you're
12 working on a C&D ordinance now.

13 MR. STRAUSS: We have actually within our
14 ordinances and during our plan review to where we do
15 require C&D to be diverted. What we've been doing is
16 working with our planning and development department to
17 make them realize and coordinating with the implementation
18 of that out in the field. We've also been working with
19 the cities within the region to be able to come up with
20 similar requirements.

21 CHAIRPERSON PETERSEN: Great.

22 COMMITTEE MEMBER PEACE: That's a yes, you do
23 have a C&D?

24 MR. STRAUSS: We do have a C&D -- we do address
25 C&D through our plan review process and through our

1 conditions of approval. And we're also looking at those
2 to make them more consistent with the rest of the cities
3 in the region.

4 COMMITTEE MEMBER PEACE: You're pretty big. You
5 should be over 50 percent. What was it that we went from
6 55 to 48?

7 MR. STRAUSS: One of the problems we've been
8 having -- one, we've just implemented weekly recycling.
9 We expect within the residential single stream about a 30
10 percent increase there.

11 One of the main problems we've been having is in
12 our commercial sector. We're a member of the Solid Waste
13 Authority which consists of the City of Sacramento, the
14 County, and Citrus Heights. And it's been the enforcement
15 of trying to do that commercial recycling part. They are
16 required as a franchise hauler to divert 30 percent by
17 volume of the total commercial waste they haul.
18 Historically, the franchise haulers have only been doing
19 about 20 percent. We've been working with our Solid Waste
20 Authority for better enforcement of that or look at
21 another way of going about that to be able to increase the
22 amount of commercial recycling.

23 With that, we believe we would be at 55, 56
24 percent. We do have our own fleet, our residential and
25 commercial fleet. And with what we pick up ourselves with

1 our own fleet within the city, we are at 50 percent within
2 that area.

3 CHAIRPERSON PETERSEN: So these franchise haulers
4 are not complying with their franchise agreements?

5 MR. STRAUSS: That's been part of the problem.
6 As I said, we've been working with the Solid Waste
7 Authority. And we're also under discussion of looking at
8 a different way of trying to do commercial recycling
9 within the Solid Waste Authority.

10 CHAIRPERSON PETERSEN: Franchise agreements are a
11 great way to force people to do stuff.

12 MR. STRAUSS: I fully agree.

13 COMMITTEE MEMBER PEACE: You have listed in here
14 one of the things you do for source reduction is
15 procurement. Can you tell me what kind of green products
16 you use?

17 MR. STRAUSS: Some of the procurement, the usual,
18 paper, the ink jet, cartridges. We also just recently --
19 Parks does mulch through a tree program. One of the --
20 they use our closed landfill for storing the trees and
21 then chipping them and using it for mulch, also rubberized
22 asphalt through our street program.

23 COMMITTEE MEMBER PEACE: For a big jurisdiction
24 like yours that can't reach 50 percent, I would like to
25 see -- I'm sure you've heard this before. Can you use

1 recycled paint on your city buildings and on your schools?

2 MR. STRAUSS: We encourage people --

3 COMMITTEE MEMBER PEACE: Use re-refined oil in
4 your city vehicle. Use recycled air filters in your city
5 vehicles.

6 MR. STRAUSS: We're actually doing all of the
7 above.

8 COMMITTEE MEMBER PEACE: Thank you.

9 CHAIRPERSON PETERSEN: I just have a technical
10 question, because I know the airport is not part of the
11 city. But it's part of the Authority.

12 MR. STRAUSS: It's part of the county.

13 CHAIRPERSON PETERSEN: Part of the county. And
14 we find flying into Sacramento and you go through the
15 airport -- I'm throwing this out to you because you might
16 know some of the guys we talk to. You go to the airport,
17 and there's no recycling. There's no visible -- this is
18 the gateway to the Capitol of California where AB 939 is
19 here and everybody all over the country is looking to see
20 what we do. And we don't have recycling at the airport.
21 Has anybody talked to you about that?

22 MR. STRAUSS: We actually at the Solid Waste
23 Authority last spring that was the discussion, not just
24 about the airport, but a lot of the County buildings and
25 the lack of visible recycling facilities, et cetera. And

1 the airport was specifically discussed. And the County
2 has been looking at how to get better recycling out there.

3 CHAIRPERSON PETERSEN: Oh. Well, we know people
4 that can do that. We have them right here on our Board
5 staff. They can be a full on giddy up.

6 MR. STRAUSS: We actually offer as a City and a
7 member of the Solid Waste Authority to help them do it
8 too.

9 CHAIRPERSON PETERSEN: Okay. Well, I'm not --
10 never mind. You're fine.

11 COMMITTEE MEMBER PEACE: Well, I just hear you're
12 looking at it, you're looking at it, you're looking at it.
13 Would it help you more harder to look at it if we put you
14 on a Compliance Order?

15 MR. STRAUSS: Well, the county and the City are
16 two different jurisdictions. So I'm not going to --

17 CHAIRPERSON PETERSEN: This is the City.

18 MR. STRAUSS: We are the City of Sacramento.

19 CHAIRPERSON PETERSEN: We'll get the County,
20 okay. For this --

21 COMMITTEE MEMBER PEACE: I'd like to move
22 Resolution 2006-177.

23 COMMITTEE MEMBER WIGGINS: Second.

24 EXECUTIVE ASSISTANT BALLUCH: Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT BALLUCH: Wiggins?

2 COMMITTEE MEMBER WIGGINS: Aye.

3 EXECUTIVE ASSISTANT BALLUCH: Petersen?

4 CHAIRPERSON PETERSEN: Aye.

5 And that goes on consent too.

6 And with that, we be done. Thank you, everybody.

7 Staff, thank you very much. Great job.

8 (Thereupon the California Integrated Waste

9 Management Board, Sustainability and Market

10 Development Committee Adjourned at 12:03 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 25th day October, 2006.

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23 TIFFANY C. KRAFT, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 12277